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Characteristics and Outcomes of Family Justice Dispute Resolution Files

FINAL REPORT

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EXECUTIVE SUMMARY

This report describes the client, case, service delivery characteristics and service outcomes of three hundred dispute resolution cases handled at Family Justice Centres in BC. The cases were randomly selected from files closed in June, July and August, 2003 and the files reviewed in October-December, 2003. These files represented 26% of all cases closed in this time period.

Client files from twenty seven FJC sites were included in the study representing a range of small to large, rural to urban centres. The number of files selected for review from each site ranged from 1-30.

Family Justice Service Division (FJSD) Family Justice Counsellors, (FJCs) who staff the community-based centres, provide settlement readiness counselling, mediation, conciliation and other services to couples who are separating or divorced. The focus of the services is to provide a mediated settlement in the areas of child custody, access, guardianship and child/spousal support as an alternative to litigation.

Prior to this research implementation phase a pilot phase was used to develop the research design which included the identification of data sources and retrieval methods and the development of a comprehensive data collection tool on which to aggregate the data. The data was collected from four sources: the electronic Family Information System (FIS), the running record, client intake records and a review of other file documents (such as agreement or court records).

The research was affected by a number of data limitations which included: inconsistent, missing or conflicting data in the data fields and a lack of consistent, comprehensive data in the running record. The running record is a narrative of the actions, outcomes and decisions of each case and includes a description of case characteristics. Although this data was extensively reviewed, most of the conclusions were based on an interpretation of the contents.

Five types of information were collected for this study: client demographic and personal data, service need data, service delivery information, case characteristics and service outcome data.

In 61% of the cases the mother was the initiator of contact with the Family Justice Centre. Records indicated that 72% of clients received brief services or brief counselling before having a dispute resolution ID number assigned. The mother was most likely to receive these initial services. Thirty percent of clients required assistance with only one substantive issue, 28% required assistance with child custody, access, guardianship and support. The highest level of need was in the developing an agreement related to access.

The total length of time dispute resolution services were offered to these clients averaged 12 months, however, in almost 40% of the cases all services were provided in a three month period. There was little difference in the number of service contacts with the mother or father. Approximately 40% of clients had four or more contacts with the FJC. The average number of completed contacts per case was 8.6. However, these totals are probably under-estimates. Approximately 20% of clients appeared to have had no office visits with the FJC and 63% had no joint meetings with the other parent and the mediator.

About 35% of the cases had more than one file opening and closure but in 78% of these cases these file openings did not reflect new issues.

In 31% of the cases the agreement was finalized in the same day that it was drawn up but in 16% of the cases there was a delay of over one month.

Ten percent of the clients were in dating or very short term relationships – about 50% of the married or common-law relationships had lasted more than 5 years. The greatest percentage of relationships was in the 5-10 year range. Ninety-five percent of the clients were the birth parents of the children.

The average age of the mothers was 34, of fathers 37. Almost 89% of the clients lived in the same or adjacent cities. Half of the relationships had only one child and 43% of the couples had at least one child under six years of age. In 62% of the cases children were living exclusively with the mother at the time of the dispute resolution.

There was very limited information available on employment status, occupation or income. There was a substantially higher rate of employment and self-employment among the fathers. Eighty-six percent of the mothers and 48% of the fathers fall into a very low-income category. A quarter of the mothers list their earnings as being under 10,000 per year.

In six percent of the cases people other than the birth parents were involved in the case. These usually consisted of grandparents, usually of the mother.

In 36% of the cases clients had a previous order governing child custody, access, guardianship or support. And in 57% of cases there was at least one substantive issue affecting clients such as domestic violence issues, alcohol/drug, child safety or mental health. Of these issues domestic violence was the most common, affecting 37% of all cases. It was broadly estimated that in 40-80% of cases these issues affected the dispute process or outcomes to a significant degree.

Although the service is primarily oriented towards dispute resolution the review of the case files suggests that 44% of the cases primarily receive settlement readiness counselling and do not enter into a formal dispute resolution process. Mediation was undertaken in 21% cases and conciliation or conciliation/mediation in 34% of cases. The major reason conciliation was provided instead of mediation was because of control, violence or power issues in the case. A small group of clients did not see a joint meeting as necessary because they were in agreement with the proposed terms of the settlement. These were classified as conciliation.

If *all* the clients in the sample are considered 38% achieved agreements in some or all areas of dispute. However, if the clients who primarily received settlement readiness counselling are taken out of this population the mediation group achieved total or partial agreement in 69% of the cases. The mediation research literature suggests that most family justice mediation programs achieve successful agreements in 50-85% of cases.

The area where agreements were most likely to have been made was in the area of guardianship and the most common type of agreement was an FRA Section 28/121

About 30% of the clients did not achieve agreement because they stopped contact with the FJC before agreement terms were developed or finalized.

Several variables were examined to try to establish a link between specific case or client characteristics and agreement outcomes. It was found that the group of clients with substantive issues were less likely than those who didn't to have achieved an agreement. Those with mental health issues were significantly less likely to reach agreements. Going through a mediation process, as opposed to conciliation, also resulted in a significantly higher level of settlement. This is logical because mediation presumes a certain amount of cooperation between the couple from the outset.

The FJCs also provide parenting information and referral services. It was determined that specific referrals were made in 71% of the cases and the most common referrals were to lawyers, the Parenting After Separation Program (PAS), the courts and Legal Services.

1.0 INTRODUCTION AND DESCRIPTION OF THIS DOCUMENT

1.1 INTRODUCTION AND BACKGROUND

This report describes the client, case, service delivery characteristics and service outcomes of three hundred dispute resolution cases handled at twenty-seven Family Justice Centres throughout BC. The cases were randomly selected from dispute resolution files closed in June, July and August 2003.

Family Justice Service Division (FJSD) Family Justice Counsellors, (FJCs) who staff the community-based Family Justice Centres, provide brief counselling, settlement readiness counselling, dispute resolution and referral services to couples who are separating or divorced. Through dispute resolution (mediation and conciliation) they assist clients to develop agreements related to child custody, guardianship, access or child and spousal support. This document provides the conclusions of this case review.

Prior to this phase of the research a pilot phase was held to determine the data requirements for the study, data sources and to develop the data collection instruments to be used for the aggregation of the data.

1.2 ORGANIZATION OF THE REPORT

This report consists of eight sections: Section 2.0 summarizes the research objectives and purpose, Section 3.0 describes the FJSD dispute resolution program and model, Section 4.0 presents a description of the research tasks and methodologies, and issues linked to data retrieval and completeness. Section 5.0 presents Service Delivery Data, Section 6.0 Client Characteristics, Section 7.0 Case Characteristics and Section 8.0 summarizes Service Delivery Outcomes. Section 9.0 presents a summary of some of the main research findings.

Appendix I contains the Client and Case Data Collection Form on which client, case, service and outcome data was recorded.

2.0 RESEARCH OBJECTIVES AND PURPOSE

The over-all objective of this case file review is to provide information on the client and case characteristics, service needs and service outcomes of dispute resolution cases handled by the FJSD Family Justice Counsellors. The specific objectives as defined prior to the Pilot Phase of the project were:

- To select, report and analyze client demographic, case and case flow (e.g. specific duration of case processes) data from FJSD (Family Justice Services Division) files;
- To describe and analyze key activities of FJSD dispute resolution services including:
  - Services sought by clients;
  - Services provided to clients (related to information, referrals or mediation/conciliation);
  - The outcome of services at the point of file closure, specifically in terms or agreements reached through mediation/ conciliation;
  - A description of the types of issues in dispute.

It is intended that the data compiled, and analyzed from this project will have three purposes:

- To provide information to local, regional and divisional management and to the Ministry of Attorney General which will inform decision making regarding service delivery;
- To provide information to the Family Justice Services Division that will assist in determining the business needs for a redeveloped management information and case management system;
- To help identify areas for further evaluation and research.

3.0 DESCRIPTION OF THE DISPUTE RESOLUTION PROGRAM AND MODEL

3.1 General Program Description and Goals

The goal of the Family Justice Services Division (FJSD) is to provide services that promote "the timely and just resolution of family disputes within a comprehensive family justice system." Within the Family Justice Services Division Family Justice Counsellors (FJC's) situated in Family Justice Centers across the province provide information on the rights and responsibilities of people who are separated or divorcing.

Family Justice Counsellors provide dispute resolution services to assist people to come to agreements on issues related to child custody, guardianship, access, child or spousal support. They also provide referral information and help people, not represented by lawyers, to prepare provincial court documents. In addition, Family Justice Counsellors are expected to *promote the safety and well-being of family members by educating families about the impacts of violence, providing information to victims on safety planning, and referring family members to appropriate services*[1].

Dispute resolution services provided by Family Justice Counsellors are based on an assessment of the client's needs and may last from several weeks to 3-6 months or more. Files may be re-opened if a client's situation changes or if the terms of previous agreements need to be re-addressed.

The FJSD dispute resolution service is primarily directed to low and low-moderate income clients.

Clients requiring or wishing to access dispute resolution Services can contact Family Justice Centres directly or may be referred by a range of other government services or community programs.

3.2 Definitions and Characteristics of Dispute Resolution

3.2.1 FJSD Definitions of Mediation

Providing dispute resolution services to clients is the mission of FJSD and the core of its services. Dispute resolution is provided to help families after separation resolve child custody, access, guardianship and child/spousal support issues. FJCs do not assist with the handling or division of property matters or family assets.

[1] Service description data summarized from Justice Services Division-Strategic Plan, 2003-06 and Family Justice Services: Manual of Operations, March 2003.

Family Justice Counsellors also assist parents to understand the impacts of separation and divorce and to address parenting/child issues arising from it. This includes providing information on issues such as the stages of grief and handling communication without conflict.

In general, dispute resolution is a term that primarily refers to *mediation*. According to the BC Dispute Resolution Office mediation is a "voluntary settlement negotiation facilitated by a neutral third party who has no decision making power."

> *Mediation is a process for resolving disputes. Two or more parties to a dispute meet and attempt, with the assistance of a mediator, to settle the matters in dispute. The mediation takes place in a private, informal setting, where the parties participate in the negotiation and design of the settlement agreement. The mediator is trained to help people settle conflicts collaboratively and had no decision making power. The dispute is settled only if all the parties agreed to the settlement.* (Government of British Columbia: Dispute Resolution Office - Guide to Mediation)

3.2.2 Models of Mediation

According to Folberg and Taylor in Beck (2001), mediation is

> *... a task-oriented, time-limited, alternative dispute resolution process (an alternative to litigation) wherein the parties, with the assistance of a neutral person or persons, isolate disputed issues in order to consider options and alternatives and to reach consensual agreement.*

Beck and Sales (2001) describes four broad models of mediation which are based on different situations, techniques and roles of the mediator. These are:

- The Legal Model – time limited, agreement oriented process. Emotional issues are not discussed. Arbitration may be a required follow-up if settlements not reached.
- The Labour Management Model – Specific criteria are set down for agreement process (e.g. assured access to children, full disclosure of assets). Clients are encouraged to submit draft agreements to lawyers.
- Therapeutic Model – Addresses relational or personal factors that affect the client's ability to negotiate an agreement. Mediators take active directive and educative role to help clients achieve an equitable agreement. Lawyers not usually involved. Uses a variety of family systems, cognitive behavioural approaches.
- Communication and Information Models – Provides legal and therapeutic assistance to mediation. Model begins with an assessment to ascertain mediation readiness.

Hybrid models also exist that include both mediation and conciliation or caucus meetings.

Based on these categories the FJSD model of dispute resolution can be most appropriately defined as a hybrid model that includes both mediation, conciliation and combination of the two. Because of its stress on relationship issues it is most closely related to the therapeutic model as defined above.

3.2.3 Principles of Mediation

According to Lowenstein family justice mediation is based on distinctive principles and values which include:

- An attempt to prevent one parent's hostility and mistrust towards the other undermining the main required objective which is the promotion of the physical and psychological health of the children;
- Helping parents value the contributions made by the other parent;
- Encouraging parents to put the children first

Although models for the provision of mediation vary Maxwell (1999) identifies five elements that appear to apply to most types of family justice mediation.

- Supporting parents or care-givers in a facilitated process of communication;
- An attempt to frame interviews in mutual terms ;
- An appeal to fairness;
- Placing power in the hands of the parties themselves ;
- Supporting the self-empowerment of the individuals involved.

3.3 Benefits of Mediation

Many benefits to using family mediation to solve family disputes, as opposed to court litigation, have been described in the literature. These include:

- Reduced cost;
- Increased speed of resolution;
- Protection of the privacy of disputants;
- Better control by parties involved over the issues and outcomes;
- Informality of setting which leads to increased comfort levels on the part of disputants.

Mediation research generally reports the following positive outcomes:

- Increased client satisfaction with the process and outcomes;
- An increased level of settlements;
- Increased continuing involvement by non-custodial parent with the children;
- Reduction in post-divorce parental conflict (although this may not be long lasting);
- More timely settlements;
- More likelihood of joint custody arrangements;
- More shared parenting arrangements;
- A perception by clients that settlements are fairer;
- Higher rates of compliance with the terms of the settlement;
- Improvements in parental communication and co-operation.

Research is inconclusive on whether mediation contributes to the long term psychological adjustment of children in separated and divorced families or to the long term minimization of parental conflict.

3.4 Dispute Resolution Services Provided and Definition of Terms

3.4.1 Types of Services Offered

Four types of dispute resolution related services, provided by Family Justice Counsellors, are identified and described in this research. These definitions are required because in some cases agreements were negotiated *without* joint meetings between the parties and mediator as would be expected within most definitions of mediation. The services are:

- Settlement Readiness Counselling – Settlement readiness counselling consists of the provision of information, referrals and support to clients and the exploration of dispute resolution issues prior to entering into a formal dispute resolution process. Settlement readiness counselling is provided prior to the initiation of a specific dispute resolution process between the clients. It is often the only service provided in cases where one client does not engage in dispute resolution, where the couple ends contact or decides they do not want to pursue mediation. The term settlement readiness counselling was also used to describe cases that required only information and not assistance with agreements.

- Mediation - Is defined as a process where parties meet, negotiate terms of the agreement and work collaboratively. At least one meeting between the parties and the Family Justice Counsellor is held. Most mediations include an initial joint meeting to identify issues, several joint meetings to explore problem areas and to determine consensus and a final meeting to formalize the agreement.

- Conciliation – Is a term used to describe a dispute resolution process where the FJC acts as a "go-between" between the two parties who do not want to meet because of power or control issues in the relationship or where logistics or other problems prevented joint meetings. In conciliation the mediator communicates the issues raised by one client to the other and then reports back. No joint meetings are held.

- Combination Mediation/Conciliation – Is a term used to describe cases which begin as mediation (with at least one joint meeting) but become conciliation because parties are unable or unwilling to continue to meet jointly.

3.4.2 Determination of Case Outcomes

As noted in Section 4.5 dispute resolution outcomes were sometimes difficult to identify because of a lack of clear or comprehensive data on the reasons for case closure. In order to specify an outcome it was necessary to see at least one of two indicators on file:

- A summary notation by the Family Justice Counsellor on the case file saying that the agreement had been signed, registered or agreed to.

- File documents that showed the parties had both signed the completed document.

In the case of a verbal agreement it was necessary to see to an FJC note on the file indicating that the parties had both agreed on the terms of the verbal agreement.

3.4.3 Definition of P1 and P2

In this report P1 is used to describe the father of the children; P2 is the mother.

4.0 DESCRIPTION OF THE RESEARCH DESIGN AND METHODOLOGIES

4.1 DESCRIPTION OF THE PILOT PHASE

The review and analysis of FJSD dispute resolution files included a Pilot and Research Implementation Phase. The primary objective of the Pilot Phase was the development of a comprehensive research design including the identification of data elements, the determination of data sources and the development and piloting of a data collection instrument on which to record client, case, service delivery and outcome data.

In order to achieve these objectives the following tasks were undertaken in the Pilot Phase:

- A review of the content, scope, location and availability of dispute resolution file data. This necessitated a review of case intake forms, the FIS, running record, other file records and adjunctive data on file (such as court documents or signed agreements).
- A review of data retrievability and clarification of optimal access points.
- The identification of the specific client, case, service and outcome data elements required for the study.
- A review of FJC dispute resolution program and policy documents including the FJC *Manual of Operations*.

Thirty-five files from five FJC offices were selected from closed cases (January-March, 2003) to determine the accuracy, appropriateness and reliability of the data collection instrument. Cases were selected from the Prince George, Richmond, Victoria, West Fraser (Surrey) and Nanaimo offices.

The Pilot Phase Report was published in September, 2003 and as well as including the design and data collection instrument, presented a limited amount of aggregate data. Problems or limitations associated with existing dispute resolution data were also identified. These were:

- The lack of specific data indicating the dates of file opening, closing, or new file IDs.
- Incomplete or missing data in the electronic data collection system (FIS). Examples of fields where data was missing included length of marital relationship, whether P1 or P2 have lawyers, occupational or income data, case characteristics (e.g. whether the case is an FMEP case) and ethnic information;
- Difficulty in establishing the completeness and reliability of data in the running record;

- Reliance on client reported data to establish case characteristics (e.g. drug/alcohol issues);
- Inconsistency of results as reported in different data fields;
- Difficulty in determining the types of referrals provided or the original source of referral to Dispute Resolution.

One of the most important issues, identified in the Pilot Phase, was the necessity of relying on the running record for a large proportion of the client, case, service delivery and outcome data. There are no formalized parameters for entering data in the running record and the length and detail of the text entries is highly variable. It was therefore impossible to establish whether a lack of data in the running record was due to a client or case characteristic or was due to the data not being entered.

4.2 Description of Data Elements

The focus of the implementation phase of the research was on the collection, aggregation and analysis of data from five main areas. These included:

- Characteristics of clients;
- Service needs of clients;
- Service delivery - what services were required and for how long;
- Case characteristics;
- Service outcomes – what services were provided and whether agreements were reached.

Table 1 provides a more detailed list of the specific data elements that were collected and analyzed in this study.

Table 1: **SUMMARY OF TYPES OF DATA REVIEWED**

DATA AREA	DATA ELEMENTS
Client Characteristics	• Relationship of P1 and P2 - Past/current • Length of Relationship • Associate party data and involvement • Residence of both parties • Impact of residence of both parties • Employment status, occupation, income, source of income • Age, gender • Children: number and number of families with children under 6 • Child residence/parent access at file open
Service Needs Data	• Initial service requirements • Type of agreements required • Referrals required • Counselling required
Service Delivery Data	• Number of offices and FJCs involved in providing services; • Duration of services (BS/BC and dispute resolution) • Number of File IDs and duration • Types of services (brief services, mediation, conciliation, counselling) • Modes of service delivery (letter, phone, visit) and levels of contact • Reasons for file openings and closures • Referral sources • Time frames between service points • Number of joint meetings with FJC
Case Data	• FMEP, FMP data • Arrears data • Involvement of legal services • Case characteristics (e.g. alcohol/drug, spousal violence, mental health, child protection, physical health, abduction) • Past orders
Service Outcome Data	• Information or referrals provided (e.g. PAS, Legal Services Society) • Parenting information provided • Agreement completion status (formal, informal, developed, finalized) • Types of agreement • Reasons for outcomes (no agreement, ceased contact) • Court status (avoided/not avoided)

4.3 METHODOLOGIES

The data was collected from four locations/sources and entered into a comprehensive (18 page) *Client and Case Data Collection Form*. This data was then entered and aggregated into the Survey System, a data management and statistical analysis program. Data was analyzed through cross-tabulations and thematic analysis of verbatim entries.

4.4 DATA SOURCES

Data for the case file review was extracted from four locations. The electronic *case management system* (FIS or Family Information System) provided some case data, client information, numbers of Brief Service/Brief Counselling (BS/BC) contacts, and some referral data. The running record is the text component of the FIS and provided data on case actions, dates, services required, types of services provided, outcomes of the dispute resolution, case characteristics, referrals and other case or client information.

There are no protocols which determine the entry of specific data in the running record. In some cases records were very lengthy (4-6 pages) in other cases they were brief (1/2 page). It was not possible to ascertain the completeness of these records. Where possible case notes were also analyzed.

Running records were reviewed (where applicable) from 1998-2003.

FJC office *intake forms* for each of the case files were also complied and reviewed. The forms for collecting intake information varied between Family Justice Centres.

All additional file documentation was also reviewed including letters sent to clients, written case notes, developed or signed agreements and court documents. This material was sometimes useful in establishing whether a settlement had been finalized.

4.5 DATA GAPS AND LIMITATIONS

A number of gaps or problems in acquiring or verifying data affected this research. Some of these issues were initially discovered in the Pilot Phase. All concerns are included in the summary below.

4.5.1 Inconsistent, Missing or Conflicting Data on the Duration or Outcome of Brief Counselling / Brief Services

Prior to receiving settlement readiness counselling or DR services many dispute resolution clients receive brief services (BS) or brief counselling (BC) lasting from a few minutes up to one hour. These brief service contacts are usually by telephone. In most cases this is the first service contact with the FJC although BS/BC can be offered after the formal dispute resolution has been concluded.

The records for BS/BC were often incomplete or contradictory. In some cases no records could be found on the FIS BS/BC screen although they were noted on another screen or on the running record. Extraction of data on the number of contacts from the BS/BC screen was difficult and time-consuming.

4.5.2 *Inconsistent / Incomplete Data on the Opening and Closing of Files*

When dispute resolution files are officially opened on the FJSD Family Information System (FIS) and it is established that "additional contact will take place to provide dispute resolution services" they are assigned an identity number (ID). According to policy a case (ID) must be closed within 30 days of the requested service(s) being completed and will not remain open longer than 90 days without the approval of the Local Manager [2].

In some cases the file opening date did not correspond with the date for the first Client ID opening or first client contact. In other cases there was no file closure data. On some files dates appeared to be entered after the service had been concluded. In many cases there was no apparent policy or practice reason for closing one ID and opening another. It appeared that some cases were automatically closed due to a time limitation although the issues in the cases were ongoing.

4.5.3 *Lack of Comprehensive or Consistent Detail in the Running Record*

The running record screen is a narrative account of services delivered and case actions and is entered by the Family Justice Counsellor. The *Manual of Operations* sets down five broad parameters for the entry of information on the running record. These are:

- Initial entry including a brief history of the relationships, current situation, services required, options and information provided, and a plan;
- A brief and factual report of contacts;
- An update summary including progress to date and goals of continued counselling;
- Summary information on file transfer including an update and reason for transfer, if necessary;
- A closing summary including the outcome of the counsellor's services.

There was a large degree of variance in the depth and detail of information entered on the running record which could be noted from centre to centre. In some cases file entries were brief, in other cases, highly detailed. There was often limited information on the type and number of client contacts. While agreement issues were generally described the specific types of referrals made or parenting information provided was not noted.

A major problem on the running record was insufficient information on the outcome of the dispute resolution process. It was difficult to determine if or when agreement terms had been signed or formalized. If the agreement was verbal there was often no clear indication on whether the agreement had been finalized by the two parties.

[2] Family Justice Services Manual of Operations

One of the most important objectives of this research was to compile descriptive information on the case. This included information of whether issues such as spousal violence, alcohol/drug problems, disabilities, mental health, abduction or literacy/immigration were factors in the case. The source of this information was the running record. While many case files included rich detail, in some cases this type of information was minimal or lacking.

4.5.4 Reliance on Partner Reports or Allegations

In most cases case characteristics could not be independently verified by Family Justice Counsellor records but were drawn from the statements or allegations of one partner. Because many of the relationships were acrimonious, some of the claims or descriptions are likely to be false or exaggerated.

In cases where this data was missing it was not known whether the case was lacking these characteristics or whether the data had not been recorded or reported.

4.5.5 Lack of Referral Data

The study tracked both the (original) source of referral to the FJC dispute resolution and referrals made by the FJC to the client. This information was found on the FIS and in the running record. In many cases the original referral source was not specified; in other cases it was difficult to extract the type of referrals made or determine whether the data was complete.

Descriptions of referrals were very broad so that it was sometimes difficult to determine whether legal referrals meant to private lawyers, Legal Services Society or to other legal assistance. It was often difficult to verify whether one or both clients had been referred.

4.5.6 Differences / Limitations of Intake Data

Hard copy intake forms are completed on all clients that enter into FJC Dispute Resolution. In some cases these forms yield valuable data, for example, data on the dates of marriage and separation. However, specific data was sometimes incomplete or missing. Although there are data fields on the intake forms that indicate the presence of violence in the relationship this data was sometimes inconsistent with information provided in the running record.

4.5.7 Inconsistency Between Data Fields

The FIS collects data on the final outcome of the case on the Counselling Services Screen. A pick-list of outcomes is provided that includes a range of outcome options. The results of the analysis of the running record frequently did not match the entries in this field. For example, entries were sometimes described as *agreements reached - court avoided* in cases where no clear final agreement was noted on the file or running record. While the outcomes in these fields were reviewed the data on the final outcome was derived primarily from information provided in the running record.

4.5.8 *Missing Data*

A number of FIS fields had significant gaps in data. Fields where data was frequently missing included:

- Whether P1 or P2 had lawyers;
- Data on client occupation, income and employment status;
- Whether the case was a FMEP, FMP or a MCFD case;
- Ethnic data.

4.6 SAMPLE SIZE AND SELECTION

4.6.1 *Sample Size*

A random sample of 300 cases from 1173 cases closed in June, July and August at Family Justice Centres in BC was selected. This sample represented 26% of cases closed in this time period. A minimum sample of 290 cases was required to ensure a confidence level of 95% and a confidence interval of 5%. Three hundred files were selected for review.

The baseline population was limited to the June-August period. There was no evidence to suggest that clients, cases, service needs or outcomes might differ throughout the year. The number of cases examined represents approximately 7% of all FJC cases during the year 2003.

4.6.2 *Case Numbers and Sites*

Cases were randomly selected from twenty-seven main or satellite offices. One to thirty files were selected from each site: the highest number of files were drawn from the Victoria and Kamloops Family Justice Centres; both of these sites accounted for 60 files or 20% of the sample. Table 2 describes the office location of the selected files for the case file review.

Table 2: **FILE SELECTION NUMBERS AND FJC SITES**

Sites	Number	Percentage
Burnaby/New Westminster	10	3%
Caribou-Williams Lake	10	3%
Chilliwack	11	4%
Courtenay	9	3%
Duncan	3	1%
Abbotsford (East Fraser)	13	4%
Fort St. John	2	1%
Kamloops	30	10%
Kelowna	1	0% (.33%)
Kimberley	4	1%
Langley	16	5%
Maple Ridge	23	8%
Nanaimo	9	3%
North Shore	11	4%
Penticton	4	1%
Prince George	16	5%
Powell River	8	3%
Port Alberni	2	1%
Richmond	14	5%
Sechelt	11	4%
Terrace	4	1%
Tri-Cities	17	6%
Vancouver: Commercial Drive	14	5%
Vancouver: Robson	4	1%
Vernon	5	2%
Victoria	30	10%
Surrey (West Fraser)	19	6%
Total	300	100%

5.0 SERVICE DELIVERY DATA

Section 5.0 describes the delivery of dispute resolution services to clients including service requirements, duration of services, number and type of service contacts and information about the number of file openings and closures.

5.1 NUMBER OF SITES AND FAMILY JUSTICE COUNSELLORS INVOLVED

As noted in Table 2 (Section 4.6) files were randomly selected from twenty-seven main or satellite Family Justice Centres across BC. One to thirty case files were selected from each site.

The highest number of cases were from the Kamloops and Victoria Offices. There was a high level of FJC service stability in all of these cases: 79% (236/300) were handled by only one counsellor at one office. A small number of the cases (6% or 17/300) had contacts with 4 or more different FJC's.

Table 3: **NUMBER OF FJC COUNSELLORS INVOLVED WITH A CASE**

Number of Counsellors Involved	Number	Percentage
One	236	79%
Two	37	12%
Three	10	3%
Four	11	4%
Five	2	1%
Six	1	(.33%)
No Data	3	1%
Total	300	100%

5.2 CURRENT STATUS OF CASE

Case files were initially selected from all FJC dispute resolution case files closed in June, July and August 2003. The file review was conducted from October to November, 2003. At the time of the file review 85% of these cases had remained closed and 15% had been re-opened with either new brief services or dispute resolution provided.

5.3 SERVICE INITIATOR

The dispute resolution program identifies the client who makes the first contact with the dispute resolution service (the initiator) by telephone or in person. In the majority of cases it was P2 (mother) who initiated first contact with the dispute resolution Service. A small number of cases were initiated by an associate party, typically the parents of the mother of the children.

Table 4: **INITIATOR OF CONTACT WITH FJC DISPUTE RESOLUTION PROGRAM**

Client Type	Number	Percentage
P1	109	36%
P2	184	61%
Both P1 and P2	2	1%
Associate Party	5	2%
Total	300	100%

5.4 Extent and Duration of Brief Services / Brief Counselling (BS/BC)

Prior to receiving dispute resolution services or settlement readiness counselling clients may access brief services (BS) or brief counselling (BC) by telephone or in person. Brief services (BS) are short interventions with clients used to provide information or referrals to other agencies. They are limited to, on average, one or two contacts that last about 15 minutes. Brief counselling (BC) is generally a one time intervention to provide information or brief counselling or to assist clients with family matters. Brief Counselling may involve several meetings that total approximately one hour. BS/BC may also be provided after the file is closed.

BS/BC data was available on 216 (72%) of the case files. This data indicated that P2 (female, mother) was most likely to receive BS/BC services. In most cases (72% or 216/300) either one or both clients received some level of BS/BC prior to the file being formally opened and given an ID number.

Table 5: **NUMBER AND TYPE OF CLIENTS RECEIVING BRIEF SERVICES/BRIEF COUNSELLING**

N=216

Number of Clients Receiving Brief Services/Brief Counselling	Number	Percentage
P1 Received	61	28%
P2 Received	123	60%
Both Received	14	6%
One or More Received - No record of client	18	8%
Total	216	102%*

*Totals may vary due to rounding

Data was available on the time between BS/BC and the opening of the file for pre-mediation or dispute resolution in 199 cases. This data indicates that about 60% of the cases (57/199) had a gap of under one month between BS/BC and the opening of the file. In 20% of the cases (39/199) there was a gap of over one year. Data was not collected on the reasons for these longer durations.

Table 6: **TIME FRAME BETWEEN BRIEF SERVICE/BRIEF COUNSELLING AND OPENING OF ID1**

N=199

Time Frame	Number	Percentage
Same Day	19	10%
Over 1 day - Under 2 Weeks	53	27%
Over 2 Weeks - Under 1 Month	40	20%
Over 1 Month - Under 3 Months	26	13%
Over 3 Months - Under 6 Months	12	6%
Over 6 Months - under 12 Months	10	5%
Over 12 Months	39	20%
Total	199	101%*

*Totals may not reach 100% due to rounding.

Although the data on the number of BS/BC (175/216) contacts was difficult to verify, in 81% of the cases the data indicates that there was only one BS/BC contact. In 8% of the cases (18/216) there were two contacts, in 2% of the cases (5/216) there was three or more contacts for this level of service.

5.5 Number of Dispute Resolution Issues for Which Clients Require Assistance

Case files were reviewed to determine the areas of dispute clients requested or required help to address. Dispute resolution assists clients to develop agreements in the areas related to child custody, guardianship, access, child and spousal support.

Thirty percent (91/300) of the clients required assistance with only one dispute resolution issue while 28% (84/300) needed assistance in reaching agreements in all four child related areas.

Table 7: **NUMBER OF DISPUTE RESOLUTION ISSUES FOR WHICH CLIENTS REQUIRE OR REQUEST ASSISTANCE**

Number of Issues *	Number	Percentage
One Issue Only	91	30%
Two Issues	41	14%
Three Issues	69	23%
Four Issues *	85	28%
Five or More Issues	14	5%
Total	300	100%

*84/85 of these cases consisted of child custody, access, guardianship and support.

The highest level of need was in the area of developing an agreement in the area of access; 67% of the cases had service needs in this area. Only 2% (6/300) of the cases requested assistance with developing the terms for an agreement on spousal support.

Table 8: **AREAS OF DISPUTE FOR WHICH CLIENTS REQUIRED DR SERVICES**

Number of Contacts	Number Required/Requested	
Access	201 (300)	67%
Custody	191 (300)	61%
Guardianship	150 (300)	50%
Child Support	141 (300)	47%
Spousal Support	6 (300)	2%

5.6 Duration of Mediation Service

The duration of time dispute resolution services were offered was calculated from the opening of the first file ID to the date of the final contact with the Family Justice Counsellor. These opening and closing dates were identified in the running record. These time durations do *not* include the time provided for brief services or brief counselling which occurs *prior* to the official opening of the file. The duration of time for dispute resolution services(excluding BS/BC) averaged 12 months although services were provided from 1 day to over 6 years. Where longer services were provided these services were not usually continuous. Almost 40% percent of the cases were opened and closed within a three month period.

Records indicate that in 46/102 of the cases with multiple file openings and closures there was a substantial break in service delivery of more than six months between these file actions.

Table 9: **LENGTH OF TIME DISPUTE RESOLUTION SERVICES RECEIVED**

Length of Time Services Provided	Number	Percentage
One month or under	22	7%
2-3 Months	94	31%
4-6 Months	74	25%
7-12 Months	42	14%
13-18 Months	8	3%
19-24 Months	10	3%
25-36 Months	14	5%
36-50 Months	19	6%
Over 50 Months	17	6%
Average length of service – 12 months		
Total	300	100%

Forty percent (116/300) of the cases were closed within three months

5.7 Number and Type of Service Contacts

Data was extracted from the running record on the number of telephone, letter and office contacts with P1 and P2 by the Family Justice Counsellor. An attempt was made to track only completed contacts although this was sometimes difficult to verify. Contents of the running records suggest that FJCs may make many attempts to contact a client before succeeding, however, this effort was not calculated in this research.

The data indicates that, in terms of number of contacts, there is little difference between P1 and P2. Approximately 40% of all clients had four or more contacts with the FJC. Sixteen percent of the clients could be described as "heavy users" of the service with seven or more contacts.

Table 10: **P1 AND P2 TOTAL DISPUTE RESOLUTION CONTACTS**

Number of Contacts	P1	P2
No Contacts	19 (6%)	20 (7%)
One	55 (18%)	61 (20%)
Two	62 (21%)	63 (21%)
Three	51 (17%)	40 (13%)
Four	29 (10%)	25 (8%)
Five	20 (7%)	27 (9%)
Six	17 (6%)	14 (5%)
Seven	15 (5%)	10 (3%)
Eight or More	32 (11%)	40 (13%)
Total	300 (100%)	300 (100%)

When total number of contacts was tabulated *for both clients* the average number of FJC contacts per case was 8.6. However, based on the limitations of the data it is likely that this number is significantly higher.

An office visit is the most intensive form of contact with the Family Justice Counsellor. Although P2 was slightly more likely to make an office visit than P1 the data indicates that approximately 80% of the clients made at least one office visit. P1 was somewhat more likely to make more office visits (5 or more) than P2.

Table 11: **NUMBER OF OFFICE VISITS: P1 AND P2**

Number of Contacts	P1	P2
No Office Visits	67 (22%)	53 (18%)
One Visit	105 (35%)	119 (40%)
Two Visits	59 (20%)	63 (21%)
Three Visits	29 (10%)	27 (9%)
Four Visits	15 (5%)	21 (7%)
Five Visits	11 (4%)	8 (3%)
Six or More Visits	11 (4%)	8 (3%)
No Data	3 (1%)	1 (0%)
Total	300 (101%)	300 (101%)

5.8 NUMBER OF JOINT MEETINGS WITH FAMILY JUSTICE COUNSELLOR

The classic definition of mediation presumes regular joint meetings between the disputing parties and the mediator (Family Justice Counsellor). Data analyzed from the running records indicates that a joint meeting was held in only 37% (112/300) of the cases. Of these cases 58% clients were involved in only one joint meeting and only 11% had three or more joint meetings.

Table 12: **NUMBER OF JOINT MEETINGS WITH FJC**

Type Meeting	Number of Cases	Percentage
No Joint Meeting	188	63%
One or More Joint Meetings	112	37%
• One joint meeting	65	58%
• Two joint meetings	32	29%
• Three joint meetings	6	5%
• Four joint meetings	4	4%
• Five joint meetings	1	1%
• Six or more	1	1%
• Unknown	3	3%
Total	112	101%

These data suggest that the standard definition of mediation which consists of a number of joint meetings to discuss, determine and formalize issues may not apply in these FJSD dispute resolution cases due to the nature of the cases, logistics, response of the clients or level of services required.

5.9 Description of File Openings and Closures

Each dispute resolution file is given an identify number (ID) when opened and further ID numbers if the file is reopened. Cases may have one to more than five IDs.

The Family Justice Services *Manual of Operations* states that a case ID must be closed within 30 days of the requested service and will not remain open longer than 90 days without the approval of the Local Manager. This study did not track adherence to this policy but did collect data on the number of IDs per case and whether multiple IDs reflected new or continuing issues.

Most of the files had one ID, (66% or 198/300 cases); 34 % had multiple openings and closures.

Table 13: **NUMBER IDs PER CASE FILE**

Number of File ID's	Number	Percentage
One ID	198	66%
Two IDs	70	23%
Three IDs	21	7%
Four IDs	10	3%
Five IDs	1	(.33%)
Total	300	99%

Those case files with multiple IDs were assessed on whether the re-opening of the case (and issuing of a new ID) reflected the introduction of a new dispute resolution issue or service need or a continuation of older issues. File records indicate that even when there are multiple case IDs, in 78% of these cases (80/102) the issues are the same throughout the life of the case and do not reflect new issues.

Table 14: **DESCRIPTION OF ID's: WHETHER USED TO DESCRIBE NEW OR CONTINUING ISSUES**

Description of Multiple ID Cases	Number	Percentage
Multiple IDs Reflect Continuing Issues	80	78%
Multiple IDs Reflect New Issues	6	6%
Unknown	9	9%
Other	7	7%

In the cases with multiple IDs the time durations for each ID were calculated. The average time of the first ID was 4 months with the duration of time decreasing in subsequent IDs (second ID: 3.86 months, third ID: 3.5 months).

5.10 Time Durations within Dispute Resolution Service Delivery

The time durations for two aspects of service delivery were calculated from the running record. The time duration between the point at which an agreement arising from the dispute resolution was drawn up and the point at which it was finalized was reviewed. In the 81 cases to which this applied and for which data was available 31% of the cases (25/81) were finalized the same day; 16% of cases took from 1-3 months to finalize.

Table 15: **TIME FRAME BETWEEN DATE AGREEMENT DRAWN UP AND DATE AGREEMENT FINALIZED**

N=81

Time Frame	Number	Percentage
Agreement finalized same day	25	31%
From one day up to two weeks	29	36%
Over two weeks to one month	14	17%
Over 1 month to 3 months	13	16%
Total	81	100%

Data was also collected on the duration of time between the last contact with clients and the point at which the case was closed. Thirty percent of cases were closed within two weeks, however, records indicated that at least 12% of cases were not closed for over 3 months after the final contact with one or both clients.

Table 16: **TIME FRAME BETWEEN LAST CONTACT WITH CLIENTS AND CASE CLOSED**

Time Frame	Number	Percentage
Same Day	59	20%
Over 2 day to two weeks	27	9%
Over two weeks to one month	33	11%
Over one month to three months	109	36%
Over three months to six months	33	11%
Over six months to one year	4	1%
Over one year	1	0%
Not applicable	21	7%
No data	13	4%
Total	300	100%

It did not appear to be the case that time gaps in the finalization of agreements had any significant impact on clients or on their general satisfaction with the service. In only two case files (1% of cases) did file records indicate some dissatisfaction in this area.

Data was also collected on the duration of time between the separation of the couple and their first contact with the Family Justice Centre. Data was only available on 203 cases. The data indicates that the point post-separation for contacting the FJC is highly variable. Although ¼ of the couples appeared to contact

the FJC almost immediately after separation (within 1-3 months) 20% (41/203) make the initial contact after 4 years of being separated.

Table 17: **DURATION OF TIME BETWEEN END OF RELATIONSHIPS AND FIRST CONTACT WITH FJC**

N=203

	Number	Percentage
Under 1 month	25	12%
From 1 month to under 3 months	29	14%
From 3 months to under 6 months	19	9%
From 6 months to under 12 months	37	18%
From 12 months to under 24 months	25	12%
From 24 months to under 48 months	27	13%
From 4 years to under 8 years	28	14%
More than 8 years	13	6%
Total	203	98%

6.0 CLIENT CHARACTERISTICS

This section of the report describes the demographic and personal characteristics of clients involved in the dispute resolution files.

Ninety-five percent of the clients (285/300) were the birth parents of the children involved in the dispute. In eighteen cases associate parties, usually other relatives, such as grandparents of the children had major roles and are described in Section 6.8.

6.1 TYPE AND LENGTH OF RELATIONSHIP

Almost 50% (139/285) of the couples had been married; 10% had been involved in short term or dating relationships.

Table 18: **PAST RELATIONSHIPS OF P1 AND P2**

N=285

Relationship Description	Number	Percentage
Dating / Short Term Relationship	28	10%
Common-Law Relationship	144	40%
Married	139	49%
Could not determine	4	1%
Total	285	100%

Data on the length of the relationship was available in 220 cases. Almost 50% of the relationships had continued for 5 years or more; only a small number (6% 14/220) were long-term relationships of over 15 years. In 23% of the cases no information on length of relationship was available.

Table 19: **LENGTH OF PREVIOUS RELATIONSHIP**

N=220

Length of Relationship	Number	Percentage
Short term/dating relationship	28	13%
Under 6 months	3	2%
From 6 months to under 1 year	4	2%
From 1 year to under 3 years	34	15%
From 3 years to under 5 years	42	19%
From 5 years to under 10 years	61	28%
From 10 years to under 15 years	34	15%
From 15 to under 20 years	10	4%
From 20 to under 30	4	2%
Over 30 years	-	-
Total	220	100%

6.2 AGES OF P1 AND P2

Age data on the birth parents was not available in all cases. The average age of fathers was 37, of mothers, 34. The largest proportion of clients fell into the 30-39 age group.

Table 20: **AGES OF P1 AND P2**

Ages	P1 (Father)	P2 (Mother)
Number of cases where data available	238	231
19 and Under	1 (0%)	2 (1%)
20-29	40 (17%)	68 (29%)
30-39	118 (50%)	109 (47%)
40-49	64 (27%)	48 (21%)
50-59	12 (5%)	4 (2%)
60-69	3 (1%)	-
70 +	-	-
Mean Age	37	34

6.3 CLIENT LOCATION

In 54% of the cases ex-partners lived in the same community and another 29% in communities that were within two hours driving distance. In approximately 15% of the cases one party lived in a non-adjacent community, out of the province or country.

Table 21: **LOCATION OF P1 AND P2**

Locations	Number	Percentage
P1 and P2 live in same city(including Lower Mainland)	163	54%
P1 and P2 live in adjacent cities	86	29%
P1 and P2 live in non-adjacent cities	24	8%
One party lives out of province	18	6%
Other	5	2%
No Data	4	1%
Total	300	100%

Where one party was living out of province data from the running record indicates that location had significant effect on 41% of the cases in terms of the dispute resolution process or outcomes. The main difficulty was the impossibility of arranging face to face meetings or in maintaining contact with the out of province party.

6.4 CHILD DATA: NUMBER, AGE AND RESIDENCE

Almost 90% of families had 1-2 children; only 2% could be considered large families with four or more children.

Table 22: **NUMBER OF CHILDREN IN FAMILIES**

Number of Children	Number	Percentage
One child	154	51%
Two children	107	36%
Three children	31	10%
Four children	4	1%
Five children	3	1%
Six children	1	0%
Total	300	100%

Mediation research indicates that families with children under six years of age may have more stress in the period post separation. There was a high proportion of clients (42% or 127/300) in the sample who had at least one child under six years of age.

Table 23: **NUMBER OF FAMILIES WITH CHILDREN UNDER SIX YEARS OF AGE**

Number of Families with Children Under 6 Years of Age	Number	Percentage
Yes	127	42%
No	165	55%
Unknown/No Data	8	3%
Total	300	100%

Data on the living arrangements of the children at the time of the opening of the case was extracted from the running record. This data indicates that in most cases (62% or 187/300) the children appeared to be living exclusively with their mothers at this stage of the dispute resolution process.

Table 24: **LIVING ARRANGEMENTS OF CHILDREN AT TIME OF CASE OPENING**

Living Arrangements	Number	Percentage
All children living with both parents	13	4%
Children living with mother	187	62%
Children living with father	36	12%
Children living part time with each parent	24	8%
Children living with others	15	5%
Some children living with mother some with father	9	3%
Other arrangement	6	2%
No data	10	3%
Total	300	99%

6.5 Client Employment Status and Occupation

Less than 50% of the dispute resolution files contained information on the employment status of the clients. The information that was available indicates that there is a much higher rate of employment among fathers (79% are either employed or self employed) in comparison to 57% of the mothers. (Table 25)

Table 25: **EMPLOYMENT STATUS: P1 AND P2**

	N=158	N=170
Employment Status	**P1**	**P2**
Employed	107 (68%)	92 (54%)
Self-employed	17 (11%)	6 (3%)
Unemployed	22 (15%	50 (29%)
Student	4 (2%)	8 (5%)
Retired	2 (1%)	2 (1%)
Home-maker	1 (1%)	8 (5%)
Other	5 (3%)	4 (2%)
Total Reporting	158 (101%)	170 (99%)
Number of cases no data available	142 (47% of total files)	130 (43% of total files)

Very little data could be determined from the running record or FIS on the type of occupation of the clients. An analysis of 60 cases indicates that P1 jobs fall into four main categories: semi-skilled and skilled trades, professional categories and the service industry (e.g. restaurant and hotel work). P2 employment is concentrated into two categories: professional (e.g. bankers, nurses and administrators) and the service industry.

6.6 Income Level and Source of Income

Income level data was missing in a third of the cases. The data that was available indicates that over 60% of P2 clients are clustered at the low end of the income scale, receiving less than $20,000.00 per year. A quarter of P2 client files report incomes of less than $10,000.00 per year. These findings are significant especially when considered in relation to the fact that in the majority of cases children live exclusively with their mothers.

A quarter of P1 clients also report very low income levels. If a cut-off of $30,000.00 per year is considered, 48% of P1 clients and 86% of P2 clients fit within this low-income category.

Table 26: **INCOME LEVELS P1 AND P2**

Income Levels	P1	P2
Under $10,000 per year	25 (13%)	52 (25%)
From 10,000 to under 20,000	30 (15%)	79 (38%)
From 20,000 to under 30,000	39 (20%)	48 (23%)
From 30,000 to under 40,000	35 (18%)	18 (9%)
From 40,000 to under 50,000	34 (17%)	7 (3%)
From 50,000 to under 60,000	14 (7%)	2 (1%)
Over 60,000	17 (9%)	2 (1%)
Total	194 (99%)	208 (100%)
No Data Available	106 cases	92 cases

On the other end of the scale less than 10% of clients earned more than $60,000 per year. There was a larger proportion of fathers (9%) than mothers (1%) in this category.

Data on the number of clients receiving Income Assistance was incomplete and difficult to verify. FIS or running records suggested that 7% (17/300) of P1 and 16% (47/300) of P2 were receiving assistance. It is likely, considering the income levels of clients, that the real totals are higher.

Income data on those clients who had initiated contact with the Family Justice Counsellor was more complete. This data indicates that 28% of the fathers who were initiators of FJC contact earned less than $20,000.00 per year compared to 57% of the mothers who were initiators. Mothers who were initiators had slightly higher incomes than the average for the entire group of mothers but this difference was not significant.

Table 27: **INITIATOR INCOME LEVELS**

Income Levels	P1 Initiator	P2 Initiator
Under 10,000 per year	11 (10%)	40 (22%)
From 10,000 to under 20,000	20 (18%)	64 (35%)
From 20,000 to under 30,000	29 (27%)	40 (22%)
From 30,000 to under 40,000	17 (16%)	12 (7%)
From 40,000 to under 50,000	13 (12%)	6 (3%)
From 50,000 to under 60,000	4 (4%)	1 (1%)
More than 60,000 per year	7 (6%)	1 (1%)
No Data	8 (7%)	20 (11%)
Total	109 (100%)	184 (102%)

6.7 Ethnic Data

Ethnic data was missing on the FIS system in almost 2/3 of cases. Completed data indicated that the majority of clients were Caucasian, however, 15% of P1 (17/114) and 12% (15/124) of P2 were aboriginal clients. Language issues were not indicated in file records except where a translator was required; this was recorded in only 2% (6/300) of the cases.

6.8 Associate Party Data

Six percent of the cases (18/300) had people other than the birth parents actively or primarily involved in the case, either as P1 or P2 or as other major parties. In 13/18 cases the associate party were the grandparents, in most cases the parents of the mother. In two cases adoptive fathers were involved, and in two other cases a new common-law partner and an aunt.

All of the cases involving associate parties were complicated due to the breakdown in the role of the birth parents. These cases were typically characterized by problems related to child protection, spousal violence, mental disabilities or serious illnesses (hospitalizations).

7.0 CASE CHARACTERISTICS

Section 7.0 provides data on specific aspects of the dispute resolution case. This includes information on other services the clients are using such as Legal Services, private lawyers, past history and issues that characterize the case (such as spousal violence, child protection and alcohol/drug issues.

Most of the data in this section is taken from the running record and for this reason, may be under-reported. Case characteristics related to client problems or issues entered in the running record are usually reported by the other client and could not be independently verified.

7.1 FMEP AND FMP CASES

An attempt was made to determine the number of dispute resolution files that were Family Maintenance Enforcement Program (FMEP) cases. Data entered in the FIS indicates that 8% (24/300) of the case files were involved in the FMEP although it was not clear if these records were complete. Of these cases 75% had reference to arrears. Seven percent (22/300) of the files were involved with the FMP (Family Maintenance Program).

7.2 MULTIPLE FILES

Several cross references were necessary to determine whether these cases had multiple files. According to these cross-checks 4% (11/300) of the clients had additional involvement with the FJC on other cases.

7.3 PREVIOUS ORDERS RELATED TO CHILD CUSTODY, ACCESS, GUARDIANSHIP AND SUPPORT

Dispute resolution file records indicate that in 36% (110/300) of the cases clients had a previous order governing child custody, maintenance, support or child or spousal support. Details on the origin or scope of these agreements were often lacking. Data indicates that 66% (73/110) of these orders were Provincial Family Court Orders and 21% (23/110) were Supreme Court Orders. In 11% of the cases (12/110) no data was available.

7.4 CLIENT ACCESS TO LAWYERS

The FIS collects data on whether P1 and P2 had access to their own lawyers. However, in most cases the data in this field was missing. Data extracted from the running records indicated that approximately 13% of the fathers (40/300) had a lawyer, compared to 15% of the mothers (45/300). It was not possible to determine from these records whether the FJC had referred these clients to their lawyers.

7.5 SUBSTANTIVE ISSUES IN THE CASE

Data from the Dispute Resolution Intake Forms and the running record were used to build a profile of specific characteristics which affected the clients and the context for the dispute resolution. There were seven major issues for which information was collected. These were:

- Spousal Violence
- Child Abuse / Protection Issues
- Alcohol/Drug Misuse
- Threatened and/or Completed Abduction
- Mental Health Issues
- Literacy/Comprehension Issues
- Settlement, Immigration or Language Issues

Most of this information was in descriptive form, arising from discussions between the clients and the Family Justice Counsellor and recorded in the running record. In most cases issues or allegations were raised by one partner and could not be independently verified.

There are no clear protocols in place which direct the entry of this data into the running record. While some running records are extensive and rich in detail, others are sparse and included no reference to these issues. It is likely that some of these issues are under-reported.

Fifty-seven percent (171/300) of the dispute resolution files were associated with at least one serious substantive issue of the type described above. Of these cases almost 20% were affected by three or more substantive issues.

Table 28: **NUMBER OF SUBSTANTIVE CASE CHARACTERISTICS ON CASE FILE**

	Number	Percentage
One Issue Described	92	54%
Two Issues Described	47	27%
Three Issues Described	27	16%
Four Issues Described	3	2%
Five Issues Described	2	1%
Total Number of Files Reporting Issues	171	100%

Table 27 describes the types of issues described in the running record as affecting the clients. Spousal violence problems were the most frequently reported and occurred in 37% (111/300) of the cases. Although the father was the most frequent perpetrator, in 5% of cases both parents were characterized as having current or historic family violence problems.

Child protection/safety and alcohol/drug problems were reported in almost 20% of the cases. No abductions had been carried out but had been threatened in 3% (9/300) of cases. Mental health issues were prominent in almost one out of ten cases. Very few of these files included reports of literacy or immigration/settlement issues. (See Table 29)

Table 29: **TYPES OF CLIENT ISSUES REPORTED IN CASE FILES**

Clients	Alcohol Drug Problems	Spousal Violence	Threats of Abduction	Child Protection Issues	Immigration / Settlement	Mental Health Issues	Disability Issues	Other Health	Literacy Issues
Issue related to P1	32 (11%)	80 (27%)	6 (2%)	24 (8%)	1 (0%)	13 (4%)	1 (0%)	3 (1%)	2 (1%)
Issue related to P2	20 (7%)	15 (5%)	3 (1%)	27 (9%)	-	13 (4%)	4 (2%)	4 (1%)	-
Both clients had issue	2 (1%)	16 (5%)	-	4 (1%)	2 (1%)	2 (1%)	-	0	-
Total number cases affecting	54 (18%)	111 (37%)	9 (3%)	55 (18%)	3 (1%)	28 (9%)	5 (2%)	7 (2%)	2 (1%)

7.6 SPOUSAL VIOLENCE

Spousal violence was the most often reported case characteristic and was described as applying to 37% of all cases. In 59% (65/111) of the cases where family violence was reported this violence this appeared to be relatively recent or current. In 72% of the cases the male partner was the source of the violence; in 15% it was the female partner; in 14% both partners were involved.

Table 30: **CHARACTERISTICS OF SPOUSAL VIOLENCE AS NOTED IN CASE FILES**

N=111

File Status	Number	Percentage
Current / recent (within past year)*	65	59%
Historic (over one year ago)*	25	23%
Both Historic and Current	10	9%
Could not determine	11	10%
Total	111	101%

*Approximate times

Data on whether a restraining order had been or was now in place was also an important indicator of spousal violence. Thirty percent of these cases (33/111) had a current or past restraining order. In 23/33 of these cases the restraining order was current or very recent.

7.7 EFFECTS OF ISSUES ON DISPUTE RESOLUTION OR SETTLEMENTS

An attempt was make to try to determine whether the specific issues described in the case had clearly affected the dispute resolution process or outcomes. This was a subjective assessment by the researcher of the file records (primarily the running record). While the data was not consistently reported in this area, results and common examples of impact are presented in Table 30. Impacts are presented for only five issues: spousal violence, alcohol/drug issues, threats of abduction, child protection/safety and mental health.

Table 31: **IMPACT OF CASE CHARACTERISTICS ON DISPUTE RESOLUTION**

Issue	Number Reporting	Percentage of Files Where Dispute Resolution Affected	Types of Impacts
Spousal Violence	111	72 (64%)	• *Power/control issues too serious to attempt mediation-conciliation required.* • *Extreme fear on the part of the P2 –, P1 uttering threats, stalking and harassment* • *Traumatic break up*
Alcohol/Drug Issues	54	22 (41%)	• *Access to children affected by ex-partner's alcohol/drug use (child safety a consideration)* • *Agreement discussion terminated by one partner because of ex-partner's drug/alcohol use* • *Alcohol/drug misuse led to conciliation rather than mediation*
Threats of Abduction	9	5 (55%)	• *Mediation discontinued* • *Fears by one partner of revealing information in DR sessions*
Child Protection/Child Safety	55	44 (80%)	• *Supervised access prioritized* • *MCFD involved in significant number of cases*
Mental Health Issues	28	17 (61%)	• *P1 or P2 hospitalized and could not complete dispute resolution*

This data suggests that, in 40-80% of cases these issues had a major effect of the dispute resolution process. Impacts from issues related to child protection/safety appeared to have the highest degree of impact.

7.8 OTHER CASE CHARACTERISTICS: CONFIDENTIAL ADDRESS AND HIGH PROFILE CASE

A small number of cases (8/300) involved a confidential address: 1% of P1 (2/300 cases) files involved a confidential address and 2% of P2 files (6 cases). There were no cases identified as "high profile" in the research sample.

8.0 DISPUTE RESOLUTION OUTCOMES

Section 8.0 describes the outcomes of the dispute resolution process including the types of services provided, the level and type of agreements that were reached, reasons for agreements not being reached, referrals made by the FJC and other service outcomes. Section 8.3.4 examines some of the variables that are associated with the settlement of family justice issues.

8.1 TYPES OF SERVICES PROVIDED TO CLIENTS

As noted in Section 3.4 there are four main types of services provided to clients by the Family Justice Counsellors. *Settlement readiness counselling* involves the provision of information about the dispute resolution process, assistance with legal documents and referral to other agencies. One or both clients may be involved, but typically one client has a predominant role and joint meetings are rare. For the purposes of this research settlement readiness counselling is considered pre-mediation. These cases also include those where one client did not participate in the process after being contacted by the FJC.

Mediation involves at least one and usually more meetings between both parties and the FJC. Mediation is characterized by a co-operative intent to mediate on the part of both parties. The term *conciliation* is used to describe a process where there are no joint meetings between the parties and the FJC. It takes place when the parties want to reach an agreement but do not want or need to meet. Conciliation is often used when there are significant power, control or anger issues in the relationship.

A final category, consisting of a combination of mediation/conciliation, is use to refer to cases which start as mediation but turn into conciliation when the joint mediation process breaks down.

Cases were divided into categories through an analysis of all the material in the case files, particularly the running record. Where there was not an exact "fit" cases were included in the closest category

The case file data suggests that a significant number of cases (44% or 132/300) can best be described as receiving settlement readiness counselling and 56% as receiving dispute resolution (mediation or conciliation). This is despite the fact that in most cases clients had requested assistance to settle a dispute, had a dispute resolution file opened and an ID assigned (at case opening it is difficult to predict whether the clients will agree to participate in a DR process).

Table 31: **TYPE OF SERVICE PROVIDED**

Type of Service Provided	Number	Percentage
Settlement Readiness Counselling	132	44%
Mediation	64	21%
Conciliation	58	19%
Mediation/Conciliation	44	15%
Other	2	1%
Total	300	100%

The large percentage of cases involved in settlement readiness counselling is noted in other mediation programs described in the literature. In a review of mediation literature Beck and Sales (2001) describe a family mediation program which combined assessment, goal-directed therapy, mediation and follow-up. This program found that 20% of the clients who were assessed were contraindicated for mediation and were referred out to family therapy and/or judicial resolution of their cases; 50% of the clients needed goal-directed pre-mediation sessions to be ready for mediation and only 30% were ready to go directly into mediation. In this model only a minority of clients were actually ready and able to enter into mediation.

In the 166 cases where some type of dispute resolution service was provided, mediation was the most frequent type of DR and comprised almost 40% of these cases.

TABLE 32: **TYPE OF DISPUTE RESOLUTION SERVICE PROVIDED**

(Dispute Resolution Services Only) N=166

Type of DR Service Provided	Number	Percentage
Mediation	64	38%
Conciliation	58	35%
Mediation/Conciliation	44	26%

8.2 Reasons Why Conciliation Not Mediation Was Provided

In cases where conciliation was provided rather than mediation the main reason was because of power, violence or control issues in the case (33% or 19/58 cases). In 10% of the cases it was due to the geographical distance between the clients.

In 14% (8/58) of the cases the clients did not feel it necessary to meet with FJC because they were highly cooperative and agreed on most terms of the settlement. These cases were classified under conciliation because no joint meetings took place.

TABLE 33 : **REASONS FOR CONCILIATION**

Reasons Why Conciliation	Number	Percentage
Power, Violence and Control Issues	19	33%
Distance Between Residences	6	10%
One client unwilling to meet with another	3	5%
Both clients unwilling to meet	8	14%
Clients agreed – not seen as necessary	8	14%
Logistics of case/meeting requirements	8	14%
Unknown	6	11%
Total	58	101%

8.3 AGREEMENT OUTCOMES

The research examined the degree to which agreements were reached in the areas of child custody, access, guardianship and child and spousal support. Five questions were addressed:

- To what degree were agreements reached by those clients who requested or required assistance to reach an agreement?
- In these cases were agreements reached in some or all of the areas in dispute?
- In what areas of dispute were agreements most likely to be reached?
- What factors were associated with *not* reaching an agreement?
- What client or case variables appear to be most closely associated with reaching successful agreements?

8.3.1 Degree to Which Agreements Reached

Of the 251 clients who were described as requiring or requesting assistance to reach an agreement 38% (95/250) reached agreements in all or some areas. However if only those who actually participated in some form of dispute resolution is considered the total changes dramatically. In cases where mediation is provided successful agreements were achieved in 69% of the cases. Success rates for the mediation/conciliation approach were over 50% while conciliation had a success rate of 36%. This puts the success rate for completed agreements well within the range concluded by other research.[3] The low rate of agreements for the settlement readiness counselling category reflects the fact that this component of service consists primarily of pre-mediation discussions.

TABLE 34: **AGREEMENT OUTCOMES BY TYPE OF SERVICE N=251**

Type of Service	Number Reporting	Agreements in All Areas	Agreements in Some Areas	Agreements in No Area
Counselling	132	6 (7%)	-	78 (93%)
Mediation	64	42 (66%)	2 (3%)	20 (31%)
Conciliation	58	20 (34%)	1 (2%)	37 (64%)
Conciliation / Mediation	44	23 (52%)	1 (2%)	21 (47%)
Other	1	1 (100%)	-	-
		91	4	156

[3] According to Kelly (1996) and Hahn (2000) the results of mediation research indicate that clients achieve agreements in divorce mediation between 50-85% of the time with most studies showing results in the mid to upper range.

8.3.2 *Level and type of Agreements by Type of Issue*

Table 36 describes the level of settlement in terms of the type of issues in dispute. These results were determined by an analysis of the running record and adjunctive documents on file. An agreement was not considered "finalized" unless there was an indication on the file that it was agreed to or signed.

In 12-16% of the cases agreement terms were developed but were never formalized or signed by the parties (or there was no record of formalization on file). Excluding spousal support (where the numbers are limited) the highest rate of agreement was in the area of guardianship although these followed by custody and access. The most common type of agreement was an agreement under the Family Relations Act (FRA 28/121).

TABLE 35: **SPECIFIC OUTCOMES OF AGREEMENTS**

	Outcomes				
	Access	Guardianship	Custody	Child Support	Spousal Support
Number Reporting	201	150	191	141	6
Verbal Agreement, Not Final	4 (2%)	2 (1%)	3 (2%)	5 (4%)	-
Verbal Finalized	10 (5%)	3 (2%)	3 (2%)	3 (2%)	-
MOU Developed, Not Final	3 (1%)	2 (1%)	4 (2%)	-	-
MOU Final	5 (2%)	1 (1%)	3 (2%)	2 (1%)	-
Section 10 Developed, Not Final	2 (1%)	3 (2%)	3 (2%)	2(1%)	1 (17%)
Section 10 Final	16 (8%)	15 (10%)	17 (9%)	13 (9%)	-
Section 28, 121 Developed, Not Final	20 (10%)	19 (13%)	20 (10%)	10 (7%)	-
Section 28, 121 Final	46 (23%)	46 (31%)	51 (27%)	27 (19%)	2 (33%)
No Agreement	66 (33%)	42 (38%)	63 (33%)	53 (30%)	3 (50%
Unknown / Other	29 (14%)	17 (11%)	24 (13%)	26 (18%)	-
Some type of agreement made	38%	44%	40%	31%	Not reported

8.3.3 *Reasons Why Agreements Not Reached*

One hundred and fifty-six cases where no agreements were reached were analyzed to find out the reasons for this outcome. These included cases that primarily received settlement readiness counselling services. Cases were analyzed by reviewing a summary of case outcomes derived from the running record. Findings were aggregated into ten broad categories. Table 36 indicates the types of services received by these clients.

Table 36: Reasons by Agreements Not Reached by Type of Service

Reasons Why Agreements Not Reached	Types of DR Services Provided				Total
	Counselling 78	Mediation 20	Conciliation 37	Hybrid 21	156
Clients ceased contact before developing agreement.	10	1	15	2	28
Clients ceased contact before finalizing agreement.	2	8	4	6	20
One or both parties could not agree on terms of agreement.	5	3	2	5	15
One or both parties decided not to pursue the settlement process.	19	3	6	0	28
Couple reconciled.	3	2	0	1	6
Couple decided to develop own agreement.	6	0	3	0	9
Power and violence issues in relationship.	3	2	6	4	15
FJC no response from or contact with one party.	22	0	0	0	22
Complex issues beyond scope and mandate of ADR.	6	1	0	1	8
Other reasons.	2	0	1	2	5

Almost ¼ of the clients (22/% or 48/156) ended contact with the FJC before agreement terms were developed or finalized and 18% (58/156) of clients decided not to pursue mediation. Serious safety, power and control issues were linked to problems with reaching an agreement in 10% of cases. In 4% of the cases couples reconciled.

It should be noted that some of these clients, for example, those who ceased contact before agreement terms were finalized or who decided not to pursue dispute resolution, were involved in cases that had not fully initiated the dispute resolution process.

8.3.4 *Factors Associated With Reaching Agreements*

A number of client and case characteristics were examined to determine if they could be associated with success in achieving an agreement. The variables that were examined were:

- Duration of the couple's relationship;
- Period of time between end of relationship and contact with the Family Justice Counsellor;
- Whether the relationship included serious substantive issues such as spousal violence or mental health issues;
- Whether the family included children under 6 years of age;
- The type of dispute resolution service provided (e.g. whether mediation or conciliation).

These variables were assessed using a Chi Square statistical analysis to determine whether they were significantly related *p* is less than or equal to 0.05. Table 37 summarizes the results of these calculations.

Table 37: **Client and Case Characteristics Linked with Successful Agreement Outcomes**

FACTORS	RELATIONSHIPS
Duration of relationship	Not related
Duration of time between end of relationship and FJC contact	Not related
Whether group had substantive issues	Significant relationship *p* less than 0.05
Whether the relationship was characterized by spousal violence	Not related
Whether the clients had mental health issues	Significant relationship, *p* less than 0.05
Whether the settlement was mediated rather than conciliated	Very significant *p* less than or equal to 0.05
Whether the couple had children under the age of six	Not related

**p = probability- measures the extent to which an event is likely to occur when compared with random chance*

Only two issues of those reviewed were associated with the level of completed agreements. The group that had significant issues in their cases were *less* likely to reach an agreement than those who did not. However, sub-group characteristics such as spousal violence did not necessarily show a significant correlation with agreements. Only those clients with mental health disorders were significantly *less* likely to achieve a settlement. Clients who received mediation services were significantly *more* likely to reach an agreement than those who received conciliation or a combination of mediation/conciliation. This is understandable because these are the couples for whom a cooperative intent to negotiate is most likely at the outset.

8.4 Number of Cases Court Avoided/Court Involved

In 93% (85/91) of the cases where agreements were reached in all areas file data suggested that court was avoided. In the areas where some agreements were reached in 75% of the cases court was avoided. It was assumed in the other cases the issue was not applicable or it was impossible to establish because of the lack of post case history on the file.

An analysis of the running records in the 156 cases where agreements were not reached indicated that FJCs helped in preparing court documents in 29% (45/156) of these cases. This suggests that at least this percentage of cases is likely proceeding to court to handle the dispute.

8.5 Cases closed by FJCs Because of Spousal Violence Issues

Although spousal violence was reported in 37% (111/300) of the cases dispute resolution was only concluded by Family Justice Counsellors in 6% (17/300) of cases where issues were considered too serious and potentially harmful to be handled by mediation. Because of the concerns for safety in these cases the files were reviewed to determine whether follow-up referrals had been made. Referral information was found in 76% (13/17) of these cases.

8.5.1 Other Assistance Provided by the Family Justice Counsellor

Although much of the dispute resolution service is directed towards obtaining an agreement between clients Family Justice Counsellors also provide related information about parenting (e.g. methods of handling conflict and communication) and child related issues (e.g. impact of separation/divorce on children).

This information provides skills helpful to the dispute resolution and that can assist in the longer term reduction of conflict between parents. The reduction of conflict is associated with improved adjustment of children post separation.

The running records did not always yield specific information about the degree to which this type of information was either requested by or provided to the parents. Reference to this information was found in only 13% (39/300) case files although it is likely that, in many cases, the provision of this information was not recorded.

In the small number of cases where this information was recorded slightly more stress was placed on understanding and improving parent communication than on responding to child adjustment/behaviour issues.

8.5.2 Other Types of Assistance Provided

In 15% of the cases (46/300) a range of other court document or child related information was provided as noted in the running record. This assistance was broad in scope and included:

- Information about child custody/protection regulations in other jurisdictions;
- Help getting financial documents in order;
- Information on the cycle of violence, safety planning;
- Discussion of tax rules;
- Assistance with completing FMEP forms;
- Discussion of procedures to obtain a restraining order.

8.6 REFERRALS PROVIDED

Referrals constitute a major part of dispute resolution services. File data extracted from the FIS and running records indicate that at least one referral was made in 71% (214/300) of the case files. The most frequent referrals were made to a range of legal services(including Legal Services Society) and parent education services ((Parenting After Separation) as well as to the courts.

A specific referral to legal services was identified for 61 clients. Referrals to Parenting After Separation were made for 101 clients. It was not always possible to distinguish in the file records whether referrals had been made to one or both clients.

TABLE 38: **TYPES OF REFERRALS (PER CLIENT)**

Service	Number 0F Clients Referred
Legal Services Society	61
Lawyers/Legal	91*
Parenting After Separation	103
Court Referrals	80
Adult Counselling	71
Child Counselling	29
MCFD	18
Probation	2
Men's Support Groups	1
MHR	4
Mental Health	6
FMEP	15
Housing	2
Supervised Access	7
Mediation (Private Parent – Teen)	7
Physicians	2
School	1
Other	18

*Some of these referrals may be to Legal Services.

9.0 SUMMARY OF SIGNIFICANT FINDINGS

This study reviewed three hundred randomly selected dispute resolution cases provided with services at twenty-seven Family Justice Centres across BC.

The data for this research was extracted from the FJSD dispute resolution electronic data collection system, intake records, file documents and the running record which is a narrative description of case actions and outcomes. The running record provided a large proportion of the data on referrals, case characteristics, services needed and provided and level of agreements. Because the running record is a narrative description of the case it was not possible to determine the level of

completeness or accuracy of this data. In addition, there was a high degree of interpretation of the meaning of the data by research staff.

Despite these limitations there are a number of important findings suggested by the results. These are summarized below:

1. There is a high level of dispute resolution service continuity in these cases. Almost 80% of the clients, despite the length of time they received services, dealt with only one Family Justice Counsellor.

2. The mother is the initiator of contact with the Family Justice Centre in the majority of cases.

3. Although three months is considered to be a general estimate of the length of time required for most dispute resolution services only 40% of the clients completed the process within this time frame (regardless of the outcome). Another 40% required 6-12 months of services. The *average* length of time DR services were provided was 12 months although this included clients who received services (with service gaps) for over 2 years

4. Dispute resolution is often seen as synonymous with mediation which consists of joint meetings between clients and the mediator (Family Justice Counsellor). However, there were no joint meetings in 63% of the cases and only 21% of the sample was categorized as receiving "classic" mediation; 19% of the cases received conciliation and 15% a combination of mediation and conciliation. These results suggest that a wider definition of dispute resolution is appropriate and that training or other initiatives need to take these broader areas into account. Some consideration could be also be given to identifying clients as they enter into a more formal dispute resolution process whether it be conciliation or mediation. This would allow future research to clearly differentiate between the types of service categories instead of relying on a retrospective interpretation

5. When a dispute resolution file is opened the file receives a counseling ID which is then closed after a specific component services are delivered in a specific time period. When new services are delivered a new counselling ID is opened. There were many irregularities on the opening and closing of these IDs and protocols seemed to vary from office to office. A third of the files had more than one ID but only a few of the new case openings (less than 10%) appeared to address new issues. These results suggest that the process of assigning IDs needs clarification.

6. There are some problems related to the timeliness of the case handling processes although client dissatisfaction with these issues was *not* reflected in the case files. Sixteen percent of the cases had a gap of between 1-3 months between the date an agreement was drawn up and finalized. Data also indicated that in 50% of the cases it took at least one month or more to close a case after the last contact with clients. The impact of case handling on clients would best be explored in a client survey.

7. Client data indicates that almost 70% were in long term relationships of over 3 years and that about half of the group contacted the Family Justice Centre within a year after relationship dissolution. Location was not a significant issue for most (80%) because they lived in the same or adjacent communities. A large proportion (42%) of the families had at least one child under 6 years of age. There are suggestions in the mediation literature that these families have the most intense and longest term stresses after separation.

8. A very significant client characteristic was the low income level of a majority of clients, particularly of the mother. Over 60% reported earnings of under $20,000 per year. This is in spite of the fact that in 62% of the cases the children appeared to be living exclusively with their mothers. Although employment data was lacking in many cases the existing data suggests that almost 80% of the fathers were employed or self employed although their incomes were also low. The orientation of the service appears to be primarily directed towards the working poor. Comprehensive data on all clients or on the proportion on Income Assistance was missing.

9. One of the major objectives of this research was to try to determine some of the specific issues affecting both the case and clients. Issues such as the prevalence of violence were explored in the running record. Although the records are limited in some respects (they are usually based on one client's allegations) major issues were found in 57% of all the cases. Twenty percent of the files recorded three or more substantive issues. Of all the issues spousal violence was the most reported issues. Some historic or current problem or issue related to spousal violence was reported in 37% of all cases. The male partner was responsible for 72% of the violence, the female 13% and both were described (by the other) as having problems in 14% of the cases. Child protection/safety issues were seen in 18% of all cases and mental health issues in 1/10.

10. Considering that these issues are likely to be *underreported* it is clear that those clients have substantial major issues affecting their lives and the dispute resolution process. Although it was very difficult to establish in a definitive manner, in 40-80% of the cases it appeared that these issues had made the dispute resolution process difficult, impossible or inappropriate. The issue that appeared to have impact on the highest number of cases was that of child protection and safety.

11. Clients with at least one of these substantive issues on file were also significantly less likely to be able to reach a negotiated settlement.

12. The highest number of clients (67%) required an agreement in the area of access and only 28% initially requested assistance in all four major areas of custody, access, guardianship and child support. The highest level of agreement was achieved in the area of guardianship. Over-all, if one considers all the clients in this random sample, only 36% were able to arrive at a recorded completed agreement. However, if only those who participated in mediation are considered the number increases to 69% who reached agreements in some or all areas. This places settlement outcome levels well into the 50-85% range reported in most mediation literature. This figure is the most accurate because the cases included in this compilation were fully involved in the dispute resolution process. Conciliation had a lower rate of settlement (36%).

13. In the future, especially for research purposes, more precise categorizations of case files and services could be considered so that a clear entry point for the entry into dispute resolution is defined. It would also be helpful to have a clearer definition of the type of DR services delivered noted on the case files.

14. An analysis of seven client/case characteristics in relation to whether a settlement was reached was conducted. Two characteristics were associated with agreement achievement. Receiving mediation was significantly associated with achieving an agreement but this is likely because those cases were most co-operative and open to settlement at case opening. Over-all the group of clients who had substantive case characteristics was less likely to achieve an agreement than those who didn't have substantive case characteristics. Among the group with substantive case characteristics those with mental health issues or problems were significantly less likely than other clients to reach an agreement.

15. Referrals are a major part of the FJC service and were tracked in 71% of the cases. The most common referrals were to lawyers, the Court, Legal Services and Parenting After Separation.

Appendix 1:

Dispute Resolution File Assessment
Client and Case Data Collection Form

Case Number _____

Dispute Resolution File Assessment
Client and Case Data Collection Form

October 14, 2003

I. Case ID and Location Data

1. Case ID No. _____

2. Month Data Selection (File Closure)
   ❒ June ❒ July ❒ August ❒ Other _____

3. FJC File Location (office): _____

4. Primary parties involved in counselling or mediation:

   a. P1 Name _____ / _____ File # _____ Gender ☐
   (male) last first
   Relationship to children: _____

   b. P2 Name _____ / _____ File # _____ Gender ☐
   last first
   Relationship to children: _____

   c. Other Party _____ / _____ File # _____ Gender ☐
   last first
   Relationship to children: _____

5. Who initiated first contact with FJC?
   ❒ P1
   ❒ P2
   ❒ OTHER PARTY _____
   ❒ UNKNOWN/NO DATA

6. What is the *current* status of this case? (at research implementation)
   ❒ FILE CLOSED
   ❒ FILE REOPENED, BS/BC PROVIDED
   ❒ FILE REOPENED, NEW COUNSELLING ID CREATED
   ❒ FILE ERROR
   ❒ NO DATA
   ❒ OTHER _____

Case Number _____

7. What were the **initial** reasons for contacting the FJC? (Any type or level of service.) (Categorize by issues related to custody, access, guardianship, child support, spousal support or parenting issues.)

   1. _____
   2. _____
   3. _____
   4. _____
   5. _____
   6. _____

8. Number of offices providing FJC service to clients.

   - ❒ ONE
   - ❒ TWO OFFICES
   - ❒ THREE OR MORE

9. Number of Family Justice counsellors involved in file: _____

10. FJCs where services delivered (1 = primary, 2 = secondary).

- ❒ BFAM (Burnaby)
- ❒ CARI (Caribou – Williams Lake)
- ❒ CHIL (Chilliwack)
- ❒ COUR (Courtenay)
- ❒ CRIV (Campbell River)
- ❒ DUN (Duncan)
- ❒ EFJC (East Fraser-Abbotsford)
- ❒ FSJO (Fort St. John)
- ❒ KAML (Kamloops)
- ❒ KELO (Kelowna)
- ❒ KIMB (Kimberley)
- ❒ LANG (Langley)
- ❒ MRID (Maple Ridge)
- ❒ NANA (Nanaimo)
- ❒ NSHO (North Shore)
- ❒ PENT (Penticton)
- ❒ PGEO (Prince George)
- ❒ PRIV (Powell River)
- ❒ PALB (Port Alberni)
- ❒ RICH (Richmond)
- ❒ SECH (Sechelt)
- ❒ TERR (Terrace)
- ❒ TRIC (Tri-Cities)
- ❒ VANF (Vancouver Family Commercial Drive)
- ❒ VANC (City Centre Robson)
- ❒ VERN (Vernon)
- ❒ VICT (Victoria)
- ❒ WFJC (Surrey)
- ❒ WKOO (West Kootenay Region – Nelson, Castlegar, Rossland)
- ❒ UNKNOWN

Case Number _____

II. Service Duration

11. Date of initial contact FJC (**any type of service**): _____/_____/_____
d m y

12. Date file closed: _____/_____/_____ ❒ File open
d m y

13. Total duration of FJC services to present: _____ WEEKS _____MONTHS _____ YEARS

III. Record of Brief Services / Brief Counselling

14. a. Have client(s) received any brief counselling (bc) or brief services (bs)?

❒ YES

❒ NO

❒ UNCERTAIN

b. P1: Number of BS/BC services contacts ☐

P2: Number of BS/BC services contacts ☐

15. Did clients receive any bc/bs prior to the opening of ID?

❒ YES

❒ NO

❒ UNKNOWN/NO DATA

16. What was the outcome of BS/BC? (check more than one)

❒ REFERRAL TO FJC COUNSELLING/MEDIATION.

❒ INFORMATION: Describe: _____

_____

❒ OTHER REFERRALS (1)_____(2)_____(3)_____

❒ OTHER: _____

❒ UNKNOWN

❒ N/A

Case Number _____

IV. Dispute Resolution Services

17. (a) Date first counselling ID created: _____/_____/_____ ❒ UNKNOWN/NO DATA
d m y

(b) Date ID counselling end: _____/_____/_____ ❒ OPEN
d m y

(c) Duration counselling services: _____ WEEKS _____ MONTHS _____ YEARS

18. Referral Source (DR/Counselling):

- ❒ SELF
- ❒ JUDGE
- ❒ COURT
- ❒ LEGAL SERVICES SOCIETY
- ❒ FJC
- ❒ UNKNOWN
- ❒ OTHER _____

19. How many file open/closures (Ids) were included in the counselling series: _____
❒ UNKNOWN, NO DATA

20. ID Records

ID 1	_____days _____months UK ❒	❒ AUTOMATIC CLOSURE ❒ FJC CLOSED ❒ NO CLOSURE ❒ UK	❒ CANNOT DETERMINE ❒ NO OUTCOME—CASE IN PROGRESS ❒ ISSUE RESOLVED/AGREEMENT REACHED ❒ PARTIES DID NOT FOLLOW THROUGH/NO CONTACT ❒ ONE OR BOTH PARTIES DECLINED SERVICE ❒ FILE STILL OPEN ❒ NO PROGRESS ON AGREEMENT ❒ OTHER: _____
ID 2	_____days _____months UK ❒	❒ AUTOMATIC CLOSURE ❒ FJC CLOSED ❒ NO CLOSURE ❒ UK	❒ CANNOT DETERMINE ❒ NO OUTCOME—CASE IN PROGRESS ❒ ISSUE RESOLVED/AGREEMENT REACHED ❒ PARTIES DID NOT FOLLOW THROUGH/NO CONTACT ❒ ONE OR BOTH PARTIES DECLINED SERVICE ❒ FILE STILL OPEN ❒ NO PROGRESS ON AGREEMENT ❒ OTHER: _____

Case Number _____

ID 3	_____days _____months UK ❒	❒ AUTOMATIC CLOSURE ❒ FJC CLOSED ❒ NO CLOSURE ❒ UK	❒ CANNOT DETERMINE ❒ NO OUTCOME—CASE IN PROGRESS ❒ ISSUE RESOLVED/AGREEMENT REACHED ❒ PARTIES DID NOT FOLLOW THROUGH/NO CONTACT ❒ ONE OR BOTH PARTIES DECLINED SERVICE ❒ FILE STILL OPEN ❒ NO PROGRESS ON AGREEMENT ❒ OTHER: _____
ID 4	_____days _____months UK ❒	❒ AUTOMATIC CLOSURE ❒ FJC CLOSED ❒ NO CLOSURE ❒ UK	❒ CANNOT DETERMINE ❒ NO OUTCOME—CASE IN PROGRESS ❒ ISSUE RESOLVED/AGREEMENT REACHED ❒ PARTIES DID NOT FOLLOW THROUGH/NO CONTACT ❒ ONE OR BOTH PARTIES DECLINED SERVICE ❒ FILE STILL OPEN ❒ NO PROGRESS ON AGREEMENT ❒ OTHER: _____
ID 5	_____days _____months UK ❒	❒ AUTOMATIC CLOSURE ❒ FJC CLOSED ❒ NO CLOSURE ❒ UK	❒ CANNOT DETERMINE ❒ NO OUTCOME—CASE IN PROGRESS ❒ ISSUE RESOLVED/AGREEMENT REACHED ❒ PARTIES DID NOT FOLLOW THROUGH/NO CONTACT ❒ ONE OR BOTH PARTIES DECLINED SERVICE ❒ FILE STILL OPEN ❒ NO PROGRESS ON AGREEMENT ❒ OTHER: _____

21. Was there a substantial (more than six months) interval between the closing of one ID and the opening of another?

❒ YES ❒ NO ❒ CANNOT DETERMINE

22. If there was more than one ID created were these for new issues or did the files deal with continuing issues:

❒ ID CLOSURES REFLECT CLOSURE OF OLD AND BEGINNING OF NEW ISSUES
❒ BASICALLY THE SAME ISSUES THROUGHOUT ALL IDs
❒ OTHER: _____

Number and types of counselling contacts with P1 and P2:

❒												

Case Number _____

23. Counselling/DR Record: **Service Block** _____

SERVICE AREA	Requested /Required	OUTCOMES	DESCRIPTION
24.1 General info about services, scope, confidentiality	☐	❒ INFORMATION PROVIDED ❒ NO RECORD ❒ OTHER: _____	
24.2 Referrals/ information about other services	☐	❒ REFERRALS MADE ☐ QUESTION 69 ❒ NOT MADE ❒ UNKNOWN ❒ OTHER: _____	
24.3 Agreement re guardianship	☐	❒ VERBAL AGREEMENT DEVELOPED/NOT FINALIZED ❒ VERBAL AGREEMENT FINALIZED ❒ WRITTEN AGREEMENT (MOU) DEVELOPED/ NOT FINALIZED ❒ WRITTEN AGREEMENT (MOU) FINALIZED ❒ SECTION 10 DEVELOPED/ NOT FINALIZED ❒ SECTION 10 DEVELOPED/ FINALIZED ❒ SECTION 28/121 DEVELOPED/ NOT FINALIZED ❒ SECTION 28/121 FINALIZED ❒ NO AGREEMENT ❒ UNKNOWN OTHER: _____	DESCRIPTION: _____
24.4 Agreement re: access	☐	❒ VERBAL AGREEMENT DEVELOPED/NOT FINALIZED ❒ VERBAL AGREEMENT FINALIZED ❒ WRITTEN AGREEMENT (MOU) DEVELOPED/ NOT FINALIZED ❒ WRITTEN AGREEMENT (MOU) FINALIZED ❒ SECTION 10 DEVELOPED/ NOT FINALIZED ❒ SECTION 10 DEVELOPED/ FINALIZED ❒ SECTION 28/121 DEVELOPED/ NOT FINALIZED ❒ SECTION 28/121 FINALIZED ❒ NO AGREEMENT ❒ UNKNOWN OTHER: _____	DESCRIPTION: _____

Case Number _____

SERVICE AREA	Requested /Required	OUTCOMES	DESCRIPTION
24.5 Agreement re: custody	☐	❒ VERBAL AGREEMENT DEVELOPED/NOT FINALIZED ❒ VERBAL AGREEMENT FINALIZED ❒ WRITTEN AGREEMENT (MOU) DEVELOPED/ NOT FINALIZED ❒ WRITTEN AGREEMENT (MOU) FINALIZED ❒ SECTION 10 DEVELOPED/ NOT FINALIZED ❒ SECTION 10 DEVELOPED/ FINALIZED ❒ SECTION 28/121 DEVELOPED/ NOT FINALIZED ❒ SECTION 28/121 FINALIZED ❒ NO AGREEMENT ❒ UNKNOWN OTHER: _____	DESCRIPTION: _____
24.6 Spousal Maintenance	☐	❒ VERBAL AGREEMENT DEVELOPED/NOT FINALIZED ❒ VERBAL AGREEMENT FINALIZED ❒ WRITTEN AGREEMENT (MOU) DEVELOPED/ NOT FINALIZED ❒ WRITTEN AGREEMENT (MOU) FINALIZED ❒ SECTION 10 DEVELOPED/ NOT FINALIZED ❒ SECTION 10 DEVELOPED/ FINALIZED ❒ SECTION 28/121 DEVELOPED/ NOT FINALIZED ❒ SECTION 28/121 FINALIZED ❒ NO AGREEMENT ❒ UNKNOWN OTHER: _____	DESCRIPTION: _____
24.7 Child Support	☐	❒ VERBAL AGREEMENT DEVELOPED/NOT FINALIZED ❒ VERBAL AGREEMENT FINALIZED ❒ WRITTEN AGREEMENT (MOU) DEVELOPED/ NOT FINALIZED ❒ WRITTEN AGREEMENT(MOU) FINALIZED ❒ SECTION 10 DEVELOPED/ NOT FINALIZED ❒ SECTION 10 DEVELOPED/ FINALIZED ❒ SECTION 28/121 DEVELOPED/ NOT FINALIZED ❒ SECTION 28/121 FINALIZED ❒ NO AGREEMENT ❒ UNKNOWN OTHER: _____	DESCRIPTION: _____

Case Number _____

SERVICE AREA	Requested /Required	OUTCOMES	DESCRIPTION
24.8 Counselling Information related to *parenting* issues: e.g. handling parental communication & discipline	☐	❒ INFORMATION NOT PROVIDED ❒ INFORMATION PROVIDED DESCRIBE INFORMATION PROVIDED: _____	
24.9 Counselling Information related to *children*: e.g. needs, impact of separation	☐	❒ INFORMATION NOT PROVIDED ❒ INFORMATION PROVIDED DESCRIBE INFORMATION: _____	
24.10 Other Issue Describe: _____	☐	❒ NOT RESOLVED ❒ RESOLVED DESCRIBE HOW ISSUE ADDRESSED: _____	
24.11 Other Issue Describe: _____	☐	❒ NOT RESOLVED ❒ RESOLVED DESCRIBE HOW ISSUE ADDRESSED: _____	
24.12 Other Issue Describe: _____	☐	❒ NOT RESOLVED ❒ RESOLVED DESCRIBE HOW ISSUE ADDRESSED: _____	

24. Was an *agreement* requested by clients in any area?

- ❒ YES
- ❒ NO

If yes, to what degree were *finalized and signed* agreements achieved?

- ❒ FINALIZED AND SIGNED AGREEMENTS REACHED IN ALL AREAS
- ❒ FINALIZED AND SIGNED AGREEMENTS REACHED IN SOME AREAS
- ❒ NO FINALIZED AND SIGNED AGREEMENTS REACHED IN ANY AREA
- ❒ UNKNOWN / NO DATA

25. If an agreement was not reached in some or all areas what was the reason?

- ❒ CLIENTS CEASED CONTACT BEFORE AGREEMENT DEVELOPED
- ❒ CLIENTS CEASED CONTACT BEFORE AGREEMENT FINALIZED
- ❒ ONE OR BOTH CLIENTS COULD NOT AGREE ON TERMS OF AGREEMENT
- ❒ ONE OR BOTH CLIENTS DECIDED NOT TO PURSUE AGREEMENT
- ❒ COUPLE RECONCILED
- ❒ COUPLE DECIDED TO DEVELOP OWN AGREEMENT
- ❒ OTHER: _____
- ❒ UNKNOWN
- ❒ AGREEMENTS DEVELOPED BUT NOT SIGNED

26. After the agreement was finalized was it formally reopened by one or both clients?

- ❒ YES ❒ DESCRIBE: _____
- ❒ NO

27. Through assistance or the finalization of agreements with FJC was court avoided?

- ❒ YES
- ❒ NO
- ❒ NOT APPLICABLE
- ❒ UNKNOWN

28. Was an ex-parte agreement developed with one party?

- ❒ YES ❒ Was this agreement finalized? ❒
  - ❒ YES
  - ❒ NO
  - ❒ UNKNOWN

29. If this couple reconciled were there issues related to violence or safety (child or spouse) still outstanding?

- ❒ YES – DESCRIBE: _____
- ❒ NO
- ❒ N/A

Case Number _____

30. Primary classification of case:
    - ❒ COUNSELLING ONLY (MEDIATION/CONCILIATION NOT BEGUN)
    - ❒ MEDIATION: PRIMARILY JOINT SESSIONS (CLIENTS COMMUNICATE WITH ONE ANOTHER, FJC PRESENT)
    - ❒ CONCILIATION: JOINT SESSIONS NOT POSSIBLE OR APPROPRIATE. FJC COMMUNICATES INDEPENDENTLY WITH EACH PARTY.
    - ❒ COMBINATION MEDIATION/CONCILIATION: LIMITED MEETINGS – MOST ISSUES DEALT WITH INDIVIDUALLY.
    - ❒ OTHER: DESCRIBE _____

      _____

31. If conciliation, rather than mediation, took place what was the reason?
    - ❒ DISTANCE BETWEEN RESIDENCES
    - ❒ ONE CLIENT UNWILLING
    - ❒ BOTH CLIENTS UNWILLING
    - ❒ ONE CLIENT UNAVAILABLE TO MEET
    - ❒ OTHER _____
    - ❒ UNKNOWN

32. How many joint meetings were held with THE FJC? _____ ❒ NONE ❒ NO DATA

34. Are there major issues (e.g. safety issues) still outstanding on this file?
    - ❒ YES ❒ DESCRIBE_____
    - ❒ NO

35. Did clients cease contact before ADR finished?
    - ❒ YES
    - ❒ NO
    - ❒ N/A

      - ❒ ONE CLIENT DID NOT WANT TO PURSUE ADR
      - ❒ ONE OR BOTH CLIENTS CEASED CONTACT
      - ❒ OTHER _____

36. Was ADR not offered or was it terminated by the FJC because of safety or other issues in the case?
    - ❒ YES → EXPLAIN: _____
    - ❒ NO
    - ❒ N/A

37. If ADR was not offered because of safety or related issues, what services/referrals were provided?

    _____

    _____

38. If applicable, time frame between the end of BS/BC and the beginning of ID counselling:
_____ DAYS_ _____WEEKS ❒ NO DATA ❒ N/A

39. Time frame between date agreement decided upon and date finalized with clients:
_____ DAYS_ _____WEEKS ❒ NO DATA ❒ N/A

40. Time frame between last contact with clients and case closed:
___DAYS ___ WEEKS ❒ SAME DAY ❒ N/A ❒ NO DATA

V. Relationship Data

41. Were P1 and P2 the birth parents of the children?

❒ YES Q. number 42

❒ NO Q number 46

42. If P1 and P2 were partners, what was their relationship?

❒ DATING OR SHORT TERM RELATIONSHIP
❒ COMMON LAW
❒ MARRIED
❒ OTHER _____
❒ NO DATA

43. What is the current relationship of P2 to P1?

p DIVORCED
p SEPARATED
p SINGLE
p WIDOWED
p UNKNOWN
p OTHER _____
p NO DATA

44. Length of relationship.
- ❒ SHORT TERM CONTACT ONLY (E.G. DATING RELATIONSHIP)
- ❒ UNDER 6 MONTHS
- ❒ FROM 6 MONTHS TO UNDER ONE YEAR
- ❒ FROM ONE YEAR TO UNDER 3 YEARS
- ❒ FROM 3 YEARS TO UNDER 5 YEARS
- ❒ FROM 5 YEARS TO UNDER 10 YEARS
- ❒ FROM 10 YEARS TO UNDER 15 YEARS
- ❒ FROM 15 YEARS TO UNDER 20 YEARS
- ❒ FROM 20 YEARS TO UNDER 30 YEARS
- ❒ OVER 30 YEARS
- ❒ NOT APPLICABLE
- ❒ NO DATA

45. If applicable, what was the duration of time between the end of the relationship and first contact with the FJC?
____ WEEKS _____ MONTHS ____ YEARS ❒ BEFORE SEPARATION.

VI. Associate Party Data

46. Were people **other** than the birth parents involved extensively in the mediation/conciliation?
- ❒ YES ▯ How many associate parties had a major involvement? _____
- ❒ NO

47. Describe relationship to children of others involved in mediation/conciliation (check more than one box if required)
- ❒ AUNT
- ❒ CHILD CARE PROVIDER
- ❒ DOCTOR
- ❒ FATHER OF P1 OR P2
- ❒ MOTHER OF P1 OR P2
- ❒ GRANDMOTHER OF P1 OR P2
- ❒ GRANDFATHER OF P1 OR P2
- ❒ OTHER: _____
- ❒ MINISTER / PASTOR
- ❒ UNCLE
- ❒ NEIGHBOR
- ❒ MOTHER'S PARTNER
- ❒ FATHER'S PARTNER
- ❒ OTHER RELATION _____
- ❒ SIBLING OF P1 OR P2
- ❒ OTHER: _____

Describe any specific issues related to the involvement of others in this file: _____

_____

_____

VII. Demographic Data

48. Was a translator required for counselling/DR?

❒ YES → LANGUAGE: _____ ❒ UNKNOWN

❒ NO

❒ UNKNOWN/NO DATA

49. Ethnic background: P1: _____ P2 _____

50. Birthdates:

❒ P1 _____/_____/_____ AGE: _____ ❒ NO DATA ❒ N/A
d/ m/ y

❒ P2 _____/_____/_____ AGE: _____ ❒ NO DATA ❒ N/A
d/ m/ y

51. Income

P1: _____ ❒ GROSS ❒ NET ❒ UK

P2: _____ ❒ GROSS ❒ NET ❒ UK

52. Employment Status

P1 ❒ UNEMPLOYED
❒ SELF-EMPLOYED
❒ EI
❒ DISABILITY
❒ EMPLOYED
❒ STUDENT
❒ RETIRED
❒ HOMEMAKER
❒ UNKNOWN
p OTHER_____

P2 ❒ UNEMPLOYED
❒ SELF-EMPLOYED
❒ EI
❒ DISABILITY
❒ EMPLOYED
❒ STUDENT
❒ RETIRED
❒ HOMEMAKER
❒ UNKNOWN
p OTHER_____

53. **Occupation or Occupational Area:**

Occupation: P1: _____ P2: _____
p NO DATA p NO DATA

54. IA Status

P1	❒ YES	❒ NO	❒ NO DATA
P2	❒ YES	❒ NO	❒ NO DATA

55. Location:

- ❒ BOTH PARTIES LIVE IN SAME CITY OR COMMUNITY
- ❒ BOTH PARTIES LIVE IN BC IN DIFFERENT BUT **ADJACENT** COMMUNITIES (LESS THAN 2 HOURS APART)
- ❒ BOTH PARTIES LIVE IN BC BUT IN **NON-ADJACENT** COMMUNITIES
- ❒ ONE PARTY LIVES OUT OF PROVINCE
- ❒ OTHER ARRANGEMENT:
  Describe: _____

56. If parties lived in different locations, has the location of the parties affected the process or outcome of this counselling or the ability to come to an agreement?

❒ YES → Describe _____
❒ NO

57. Number of children involved in case:

- ❒ ONE
- ❒ TWO
- ❒ THREE
- ❒ FOUR OR MORE
- ❒ UNKNOWN

58. Ages of children _____/_____/_____/_____ ❒ UNKNOWN

59. Living arrangements of children at **file open.**

- ❒ ALL CHILDREN LIVING WITH BOTH PARENTS
- ❒ ALL CHILDREN LIVING SOLELY WITH MOTHER
- ❒ ALL CHILDREN LIVING SOLELY WITH FATHER
- ❒ CHILDREN LIVING PART-TIME WITH EACH PARENT
- ❒ CHILDREN LIVING WITH OTHERS. DESCRIBE: ____ _____
- ❒ SOME CHILDREN LIVING WITH MOTHER, SOME WITH FATHER
- ❒ OTHER ARRANGEMENT. DESCRIBE: _____
- ❒ UNKNOWN/NO INFORMATION

Case Number _____

VIII. Case Data

60. Was this an FMEP file?

- ❒ YES
- ❒ NO
- ❒ UNKNOWN/NO RECORD

If yes, were there arrears or payment issues noted in FJC file?

- ❒ YES
- ❒ NO
- ❒ UNKNOWN/NO RECORD

61. Was this an FMP file?

- ❒ YES
- ❒ NO
- ❒ UNKNOWN/NO RECORD

62. Did clients have multiple FJC files?

- ❒ YES ❒ HOW MANY_____
- ❒ NO
- ❒ UNKNOWN/NO RECORD

63. Did P1 have a lawyer?

- ❒ YES
- ❒ NO
- ❒ UNKNOWN/NO RECORD

64. Did P2 have a lawyer?

- ❒ YES
- ❒ NO
- ❒ UNKNOWN/NO RECORD

65. Has there been a restraining order in this case? (Current or historical)

- ❒ YES IF YES, IS THIS: → ❒ CURRENT ❒ PAST
  - ❒ CIVIL
  - ❒ CRIMINAL
  - ❒ UNKNOWN
- ❒ NO
- ❒ UNKNOWN

66. Did a previous order exist in this case?

❒ YES → Level of court: ❒ PROVINCIAL
❒ SUPREME
❒ BOTH
❒ UK

→ Was this order established in another province? ❒ YES ❒ No

❒ NO

67. In terms of the agreements being developed in the ADR what level of court do these agreements relate to?

❒ PROVINCIAL
❒ SUPREME
❒ BOTH
❒ UNKNOWN/NO DATA
❒ N/A

IX. Case Profile

68. Other features of the case: describe any other features of this case as noted in the file. Note the person for whom the issue is a problem (e.g. if P1 has a violence history, check P1).

68.1 ALCOHOL/ DRUG ISSUES	❒	❒	❒		
68.2 ABDUCTION	❒	❒	❒		
68.3 THREATS OF ABDUCTION	❒	❒	❒		
68.4 DOMESTIC VIOLENCE OR SAFETY CONCERNS	❒	❒	❒		
68.5 CHILD PROTECTION – OR CHILD SAFETY CONCERNS	❒	❒	❒		
68.6 IMMIGRATION, LANGUAGE OR SETTLEMENT ISSUES	❒	❒	❒		

68.7 **MENTAL HEALTH ISSUES**	❒	❒	❒		
68.8 **DISABILITY ISSUES**	❒	❒	❒		
68.9 **OTHER HEALTH ISSUES**	❒	❒	❒		
68. 10 **LITERACY**	❒	❒	❒		
68.11 **CONFIDENTIAL ADDRESS**	❒	❒	❒		
68.12 **HIGH PROFILE**	❒	❒	❒		
68.13 **OTHER ISSUES**	❒	❒	❒		
68.14 **OTHER ISSUES**	❒	❒	❒		

69. Referrals: ADR or Counselling only

Legal Services Society Referral	❒ YES ❒ NO ❒ UK	❒ YES ❒ NO ❒ UK
Legal Services Society Used	❒ YES ❒ NO ❒ UK	❒ YES ❒ NO ❒ UK
PAS Referral	❒ YES ❒ NO ❒ UK	❒ YES ❒ NO ❒ UK
Other Referrals	1. _____ 2. _____ 3. _____	1. _____ 2. _____ 3. _____

70. Did this case have any issues related to the timeliness of service provided by the FJC?

❒ YES → Describe _____

❒ NO

71. Describe other issues related to client, case, services or outcomes: _____

_____

_____

_____

_____

_____

_____

_____

_____

72. If clients had SETTLED agreements re-opened (#27) did further ADR take place?

- ❒ YES
- ❒ NO

73. Did these additional processes result in any form of agreement?

- ❒ AGREEMENTS REACHED IN ALL AREAS
- ❒ AGREEMENTS REACHED IN SOME AREAS
- ❒ AGREEMENTS REACHED IN NO AREAS
- ❒ NOT APPLICABLE
- ❒ UNKNOWN

74. Did any additional agreements result in court being avoided?

- ❒ YES
- ❒ NO
- ❒ NO DATA
- ❒ NOT APPLICABLE